

001099**DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO****EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION**

DATE:

July 22, 2008

110
11/18**SUBJECT:** Amendment to As-Needed Consultant Agreement with Estrada Land Planning, Inc. – Wightman Street Neighborhood**GENERAL CONTRACT INFORMATION****Recommended Consultant:** Estrada Land Planning, Inc.**Amount of this Action:** \$110,000.00**Original Contract:** \$250,000.00**Cumulative:** \$360,000.00**Funding Source:** City**SUBCONSULTANT PARTICIPATION**

	<u>This Action</u>		<u>Cumulative</u>	
Nasland Engineering (Other)	\$11,000.00	10%	\$ 79,725.00	22.1%
Affinis Environmental Services (Other)	\$26,400.00	24%	\$ 30,040.00	8.3%
MacDonald Engineers (Other)	\$ 0.00	0%	\$ 9,348.00	2.5%
Geocon Inc. (Other)	\$ 0.00	0%	\$ 6,000.00	1.6%
Total Certified Participation	\$ 0.00	0.0%	\$ 0.00	0.0%
Total Other Participation	\$37,400.00	34.0%	\$ 125,113.00	34.75%
Total Subconsultant Participation	\$37,400.00	34.0%	\$ 125,113.00	34.75%

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE**Equal Opportunity Required**

Estrada Land Planning, Inc. submitted a Work Force Report for their San Diego County employees dated June 9, 2008. The Work Force Report reflects fewer than 15 employees and is, therefore, exempt from employment category goals.

ADDITIONAL COMMENTS

The Work Force Analysis is attached.


MM-J

File: Admin WOFO 2000

Date WOFO Submitted: 6/9/2008

Input by: Lad

Goals reflect statistical labor force

availability for the following:

2000 CLFA

San Diego, CA

City of San Diego/Equal Opportunity Contracting
WORK FORCE ANALYSIS REPORT

FOR

Company: Estrada Land Planning, Inc.

I. TOTAL WORK FORCE:

	CLFA Goals			Black			CLFA Goals			Hispanic			CLFA Goals			Asian			CLFA Goals			American Indian			CLFA Goals			Filipino			White			Other		
		M	F		M	F		M	F		M	F		M	F		M	F		M	F		M	F		M	F		M	F						
Mgmt & Financial	3.3%	0	0	11.9%	0	1	6.2%	0	0	0.4%	0	0	6.2%	0	0	0.4%	0	0	6.2%	0	0	0	0	0	0	0	0	0	0	0						
Professional	4.0%	0	0	12.6%	0	0	6.5%	0	0	0.5%	0	0	6.5%	0	0	0.5%	0	0	6.5%	0	0	0	0	0	0	0	0	0	0	0						
A&E, Science, Computer	2.8%	0	0	7.3%	1	0	16.2%	0	0	0.3%	0	0	16.2%	0	0	0.3%	0	0	16.2%	0	0	1	0	0	0	0	0	0	0	0						
Technical	6.6%	0	0	14.8%	0	1	17.2%	1	0	0.4%	0	0	17.2%	0	0	0.4%	0	0	17.2%	0	0	0	0	0	0	0	0	0	0	0						
Sales	3.9%	0	0	19.5%	0	0	6.8%	0	0	0.6%	0	0	6.8%	0	0	0.6%	0	0	6.8%	0	0	0	0	0	0	0	0	0	0	0						
Administrative Support	7.0%	0	0	20.8%	0	0	8.8%	0	0	0.6%	0	0	8.8%	0	0	0.6%	0	0	8.8%	0	0	0	1	0	0	0	0	0	0	0						
Services	5.5%	0	0	36.9%	0	0	9.7%	0	0	0.6%	0	0	9.7%	0	0	0.6%	0	0	9.7%	0	0	0	0	0	0	0	0	0	0	0						
Crafts	4.5%	0	0	25.8%	0	0	9.1%	0	0	0.7%	0	0	9.1%	0	0	0.7%	0	0	9.1%	0	0	0	0	0	0	0	0	0	0	0						
Operative Workers	4.3%	0	0	38.8%	0	0	20.8%	0	0	0.3%	0	0	20.8%	0	0	0.3%	0	0	20.8%	0	0	0	0	0	0	0	0	0	0	0						
Transportation	8.1%	0	0	32.1%	0	0	4.5%	0	0	0.5%	0	0	4.5%	0	0	0.5%	0	0	4.5%	0	0	0	0	0	0	0	0	0	0	0						
Laborers	4.4%	0	0	54.0%	0	0	4.1%	0	0	0.5%	0	0	4.1%	0	0	0.5%	0	0	4.1%	0	0	0	0	0	0	0	0	0	0	0						
TOTAL		0	0		1	2		1	0		0	0		0	0		0	0		0	0		1	1		0	0		0	0						

HOW TO READ TOTAL WORK FORCE SECTION:

The information blocks in Section 1 (Total Work Force) identify the absolute number of the firm's employees. Each employee is listed in their respective ethnic/gender and employment category. The percentages listed under the heading of "CLFA Goals" are the County Labor Force Availability goals for each employment and ethnic/gender category.

Mgmt & Financial
Professional
A&E, Science, Computer
Technical
Sales
Administrative Support
Services
Crafts
Operative Workers
Transportation
Laborers

TOTAL

TOTAL EMPLOYEES		
ALL	M	F
1	0	1
0	0	0
2	2	0
2	1	1
0	0	0
1	0	1
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
0	0	0
6	3	3

Female
Goals
39.8%
59.5%
22.3%
49.0%
49.4%
73.2%
62.3%
8.6%
38.7%
15.2%
11.1%

HOW TO READ EMPLOYMENT ANALYSIS SECTION:

The percentages listed in the goals column are calculated by multiplying the CLFA goals by the number of employees in that job category. The number in that column represents the percentage of each protected group that should be employed by the firm to meet the CLFA goal. A negative number will be shown in the discrepancy column for each underrepresented goal of at least 1.00 position.

This firm has fewer than 15 employees and is, therefore, exempt from the employment category goals.



THE CITY OF San Diego

EQUAL OPPORTUNITY CONTRACTING PROGRAM

1010 SECOND AVENUE • SUITE 500 • SAN DIEGO, CA 92101

(619) 533-4464 • Fax: (619) 533-4474

001103

WORK FORCE REPORT

The objective of the Equal Employment Opportunity Outreach Program is to ensure that contractors doing business with the City, or receiving funds from the City, will not engage in unlawful discriminatory employment practices prohibited by State and Federal law. Such employment practices include, but are not limited to the following: employment, promotion or upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship.

NO OTHER FORMS WILL BE ACCEPTED

CONTRACTOR IDENTIFICATION

Type of Contractor: ☐ Construction ☐ Vendor/Supplier ☐ Financial Institution ☐ Lessee/Lessor
☒ Consultant ☐ Grant Recipient ☐ Insurance Company ☐ Other

Name of Company: Estrada Land Planning, Inc.

AKA/DBA: _____

Address (Corporate Headquarters, where applicable): 755 Broadway Circle, Suite 300

City San Diego County San Diego State CA Zip 92101

Telephone Number: (619) 236-0143 FAX Number: (619) 236-0578

Name of Company CEO: Vicki Estrada

Address(es), phone and fax number(s) of company facilities located in San Diego County (if different from above):

Address: _____

City _____ County _____ State _____ Zip _____

Telephone Number: () _____ FAX Number: () _____

Type of Business: Landscape Architecture & Land Planning Type of License: Registered Landscape Architect #1685

The Company has appointed: Vicki Estrada

as its Equal Employment Opportunity Officer (EEOO). The EEOO has been given authority to establish, disseminate, and enforce equal employment and affirmative action policies of this company. The EEOO may be contacted at:

Address: 755 Broadway Circle, Suite 300, San Diego, CA 92101

Telephone Number: (619) 236-0143 FAX Number: (619) 236-0578

For Firm's: ☒ San Diego Work Force and/or ☐ Managing Office Work Force

I, the undersigned representative of Estrada Land Planning, Inc.

(Firm Name)

San Diego

(County)

California

(State)

hereby certify that information provided

herein is true and correct. This document was executed on this day of June 9, 2008

Vicki Estrada

(Authorized Signature)

Vicki Estrada

(Print Authorized Signature Name)

WORK FORCE REPORT - Page 2

NAME OF FIRM: Estrada Land PlanningDATE: June 9, 2008

INSTRUCTIONS: For each occupational category, indicate number of males and females in every ethnic group. Total columns in row provided. Sum of all totals should be equal to your total work force. Include all those employed by your company on either a full or part-time basis. The following groups are to be included in ethnic categories listed in columns below:

- | | |
|--|--|
| (1) African-American, Black | (5) Filipino |
| (2) Latino, Hispanic, Mexican-American, Puerto Rican | (6) White, Caucasian |
| (3) Asian, Pacific Islander | (7) Other ethnicity; not falling into other groups |
| (4) American Indian, Eskimo | |

OCCUPATIONAL CATEGORY	(1) African-American		(2) Latino		(3) Asian		(4) American Indian		(5) Filipino		(6) Caucasian		(7) Other Ethnicities	
	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)	(M)	(F)
Management & Financial				1										
Professional														
Architects/Engineers, Science, Computer			1								1			
Technical				1	1									
Sales														
Administrative Support												1		
Services														
Crafts														
Operative Workers														
Transportation														
Laborers*														

*Construction laborers and other field employees are not to be included on this page

TOTALS EACH COLUMN	0	0	1	2	1	0	0	0	0	0	0	1	1	0	0
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GRAND TOTAL ALL EMPLOYEES

6

INDICATE BY GENDER AND ETHNICITY THE NUMBER OF ABOVE EMPLOYEES WHO ARE DISABLED:

DISABLED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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NON-PROFIT ORGANIZATIONS ONLY:

BOARD OF DIRECTORS															
VOLUNTEERS															
ARTISTS															

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

001107

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

2900185

TO:
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):
Engineering & Capital Projects3. DATE:
July 30, 2008

4. SUBJECT: AMENDMENT TO AS-NEEDED CONSULTANT AGREEMENT
WITH ESTRADA LAND PLANNING, INC. - WIGHTMAN STREET NEIGHBORHOOD PARK

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Darren Greenhalgh, 533-6600, MS 908A6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)
Samir Mahmalji, 533-5301, MS 908A7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☒

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	RR 39094			
DEPT.	30244			
ORGANIZATION	105			
OBJECT ACCOUNT	4117			
JOB ORDER	299250			
C.I.P. NUMBER	29-925.0			
AMOUNT	\$110,000			

9. ADDITIONAL INFORMATION / ESTIMATED COST:

Consultant Agreement

Original Contract \$250,000

1st Amendment (this request) \$110,000

Total Contract \$360,000

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT		7/30/08	9	DEPUTY CHIEF		9/10/08
2	CLIENT DEPARTMENT (PARK & REC.)		8/14/08	10	COO	Not required	
3	EAS		8/15/08	11	CITY ATTORNEY		10/16/08
4	EOCP		8/18/08	12	ORIGINATING DEPARTMENT		10/16/08
5	LIAISON OFFICE		8/22/08		DOCKET COORD:	COUNCIL LIAISON: SC 11/4/08	
6	FM/CIP		8/22/08		COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7	AUDITOR		9/4/08		REFER TO:	COUNCIL DATE: 11/18/08	
8	PURCHASING		9/8/08				

11. PREPARATION OF: ☒ RESOLUTION(S) ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1. Authorizing the Mayor to execute an amendment to the as-needed agreement between the City and Estrada Land Planning, Inc. in the amount of \$110,000 for as-needed landscape architectural services, not to exceed a total contract amount of \$360,000; and
2. Authorizing the expenditure of \$110,000 from Fund 39094, Special Park Fee, CIP No. 29-925.0, Wightman Street Neighborhood Park, for consultant services.

11A. STAFF RECOMMENDATIONS:

Adopt the Resolutions.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): 7 (Madaffer)COMMUNITY AREA(S): Mid City - City Heights AreaENVIRONMENTAL IMPACT: This activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060 (c) (3).HOUSING IMPACT: noneOTHER ISSUES: none

001109

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: July 30, 2008
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Engineering & Capital Projects
SUBJECT: Amendment to As-needed Consultant Agreement with Estrada Land Planning, Inc. – Wightman Street Neighborhood Park
COUNCIL DISTRICT(S): 7 (Madaffer)
CONTACT/PHONE NUMBER: Darren Greenhalgh/Samir Mahmalji (533-6600/533-5301)

REQUESTED ACTION: Authorizing the Mayor and his representative to execute the amendment to as-needed agreement with Estrada Land Planning, Inc.; and authorizing the expenditure of \$110,000 from CIP No. 29-925.0, Wightman Street Neighborhood Park, for professional services.

STAFF RECOMMENDATION: Adopt the resolutions.

EXECUTIVE SUMMARY:

In August 2006, Estrada Land Planning, Inc. was retained to provide as-needed landscape architectural services for various park projects on an as-needed hourly fee basis, in the amount not to exceed \$250,000. As part of the contracted agreement, specific scope of services and fees would be determined in response to an individual task requested by each project. Each task is individually funded by the project.

Task Order No. 1 in the amount of \$250,000 was executed for the design and development of Wightman Street Neighborhood Park needed for the preparation of a general development plan, environmental documents, construction documents, and construction administration. However due to extensive permit requirements by various regulatory agencies, additional technical reports and permit processing are necessary and required to meet all applicable guidelines required for the park development and as well as the Auburn Creek enhancement. It would be beneficial to obtain these additional services from the same project consultant team.

From the current task performance, the consultant has gained the knowledge of the existing site condition, site constraints and opportunities, sensitive resources and technical reports of this park. This based knowledge is necessary to successfully assist the City in completing the remaining work of this project in a timely manner.

Wightman Street Park is a new one-acre neighborhood park located on 5024 Wightman Street in the Mid City – City Heights Area. The park will provide for amenities including children playgrounds for 2-5 and 6-12 year-olds, basket ball courts, picnic barbeques, shade structure, decomposed granite trail, nature exhibits, landscaping, fencing, drainage facilities, security lighting, art elements and other typical standard amenities. A portion of Auburn Creek that is located on site will be enhanced as per the City Chollas Creek Enhancement Program.

FISCAL CONSIDERATIONS:

The original consultant agreement was authorized in the amount of \$250,000. This request in the amount of \$110,000 will increase the agreement to a total of \$360,000.

001110

EQUAL OPPORTUNITY CONTRACTING:

Funding Agency: City of San Diego

Goal: 15% Voluntary (MBE/WBE/DBE/DVBE/OBE)

Subconsultant Participation: \$0 Certified firms 0%
\$37,400 Other firms 34%

Other: Workforce Report Submitted – Equal Opportunity Plan required. Staff will monitor and adherence to Nondiscrimination Ordinance.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On August 5th, 2006 Council Action authorized the agreement with Estrada Land Planning, Inc. for as-needed landscape architectural services at various city parks (Resolution 301796).

On April 2nd, 2007 Council Action authorized the request for grant amendment and Special Park Fees for Wightman Street Neighborhood Park; the addition of CIP No. 29-925.0, Wightman Street Neighborhood Park acquisition and development; the appropriation and expenditure of \$686,000 from Special Park Fee, Fund No. 39094 for the Wightman Street Neighborhood Park; the transfer of \$167,000 from General Services/Street Division (gas tax) fund to Special Park Fee, Fund No. 39094 in CIP No. 29-596.1, Fox Canyon Neighborhood Park-Ontario Avenue; the closure of CIP No. 29-596.1, Fox Canyon Neighborhood Park-Ontario Avenue, and the transfer of excess budgeted fund, if any, to the appropriation reserves; and the Department of Park and Recreation to pursue other grants for the Fox Canyon, Wightman and Home Avenue (Resolution No. 302498).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On November 28, 2007 the Colina Del Sol Recreation Council voted unanimously recommending the approval of the Wightman Street Neighborhood Park General Development Plan.

On April 9, 2008 the Park and Recreation Area Committee – Community Parks II Division voted (8-2-1) recommending the approval of the Wightman Street Neighborhood Park General Development Plan.

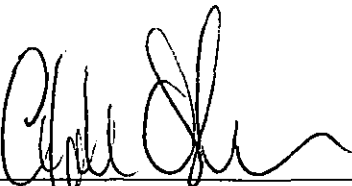
On May 14, 2008 the Design Review Committee voted unanimously recommending the approval of the Wightman Street Neighborhood Park General Development Plan.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Colina Del Sol Recreation Council and the City Heights Planning Area Committee

The Resources Agency of the State of California, Department of Parks and Recreation

Estrada Land Planning, Inc. and Sub-consultants: Nasland Engineering, Affinis, MEI, Geocon



Afshin Oskoui

Assistant Director of Engineering & Capital
Projects Department



David Jarrell

Deputy Chief Operating Officer of Public Works

001111

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2900185
 ORIGINATING DEPT. NO.: 446

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$110,000.00

Vendor: Estrada Land Planning, Inc.

Purpose: Authorize the execution to an amendment to the as-needed agreement for as-needed landscape architectural services at Wightman Street Neighborhood Park. CIP 29-925.0

Date: September 3, 2008 By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0		30244	105	4279	299250				\$110,000.00
TOTAL AMOUNT										\$110,000.00

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 2900185

001113

SUBCONSULTANTS LIST

INFORMATION REGARDING SUBCONSULTANTS PARTICIPATION:

1. Subconsultant's List shall include name and complete address of all Subconsultants who will receive more than one half of one percent (0.5%) of the Prime Consultant's fee.
2. Proposer shall also submit subconsultant commitment letters on subconsultant's letterhead, no more than one page each, from subconsultants listed below to acknowledge their commitment to the team, scope of work, and percent of participation in the project.
3. Subconsultants shall be used for scope of work listed. No changes to this Subconsultants List will be allowed without prior written City approval.

NAME AND ADDRESS SUBCONSULTANTS	SCOPE OF WORK	PERCENT OF CONTRACT	DOLLAR AMOUNT OF CONTRACT	* MBE/ WBE/DBE/ DVBE/OBE	** WHERE CERTIFIED
Nasland Engineering 4740 Ruffner St. San Diego, CA 92111	Civil Eng.	10%	\$11,000	OBE	
Affinis Environmental Services 847 Jamacha Rd. El Cajon, CA 92019	Environmental	24%	\$26,400	OBE	

* *For information only.* As appropriate, Proposer shall identify Subconsultants as:

Certified Minority Business Enterprise	MBE
Certified Woman Business Enterprise	WBE
Certified Disadvantaged Business Enterprise	DBE
Certified Disabled Veteran Business Enterprise	DVBE
Other Business Enterprise	OBE

** *For information only.* As appropriate, Proposer shall indicate if Subconsultant is certified by:

City of San Diego	CITY
State of California Department of Transportation	CALTRANS

001115

CONTRACT ACTIVITY REPORT

Consultants are required by contract to report subconsultant activity in this format. Reports shall be submitted via the Project Manager to the *Equal Opportunity Contracting Program (EOCP)* no later than thirty (30) days after the close of each quarter.

PROJECT: Wightman St. Neighborhood Park - Amendment **PRIME CONTRACTOR:** Estrada Land Planning, Inc.

CONTRACT AMOUNT: \$110,000 **INVOICE PERIOD:** _____ **DATE:** _____

Include Additional Services Not-to-Exceed Amount

Subcontractor	Indicate MBE, WBE, DBE, DVBE or OBE	Current Period		Paid to Date		Original Commitment	
		Dollar Amount	% of Contract	Dollar Amount	% of Contract	Dollar Amount	% of Contract
Nasland Engineering	OBE					\$11,000	10%
Affinis Environmental Services	OBE					\$26,400	24%
Prime Contractor Total:	MBE/WBE/ DBE					\$72,600	66%
Contract Total:						\$110,000	100%

Completed by: Caroline Consaul, Office Manager

001117

SUBCONSULTANTS LIST

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1. Subconsultant's List shall include name and complete address of all Subconsultants who will receive more than one half of one percent (0.5%) of the Prime Consultant's fee.
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NAME AND ADDRESS SUBCONSULTANTS	SCOPE OF WORK	PERCENT OF CONTRACT	DOLLAR AMOUNT OF CONTRACT	* MBE/ WBE/DBE/ DVBE/OBE	** WHERE CERTIFIED
Nasland Engineering 4740 Ruffner St. San Diego, CA 92111	Civil Eng.	22%	\$79,725	OBE	
Affinis Environmental Services 847 Jamacha Rd. El Cajon, CA 92019	Environmental	8%	\$30,040	OBE	
MacDonald Engineers 4901 Morena Blvd., Ste. 202 San Diego, CA 92117	Electrical	3%	\$9,348	OBE	
Geocon Inc. 6960 Flanders Dr. San Diego, CA 92121	Geotechnical	2%	\$6,000	OBE	

* *For information only.* As appropriate, Proposer shall identify Subconsultants as:

Certified Minority Business Enterprise	MBE
Certified Woman Business Enterprise	WBE
Certified Disadvantaged Business Enterprise	DBE
Certified Disabled Veteran Business Enterprise	DVBE
Other Business Enterprise	OBE

** *For information only.* As appropriate, Proposer shall indicate if Subconsultant is certified by:

City of San Diego	CITY
State of California Department of Transportation	CALTRANS

CONTRACT ACTIVITY REPORT

Consultants are required by contract to report subconsultant activity in this format. Reports shall be submitted via the Project Manager to the *Equal Opportunity Contracting Program (EOCP)* no later than thirty (30) days after the close of each quarter.

PROJECT: Wightman St. Neighborhood Park **PRIME CONTRACTOR:** Estrada Land Planning, Inc.

CONTRACT AMOUNT: \$360,000 **INVOICE PERIOD:** _____ **DATE:** _____

Include Additional Services Not-to-Exceed Amount

Subcontractor	Indicate MBE, WBE, DBE, DVBE or OBE	Current Period		Paid to Date		Original Commitment	
		Dollar Amount	% of Contract	Dollar Amount	% of Contract	Dollar Amount	% of Contract
Nasland Engineering	OBE					\$79,725	22%
Affinis Environmental Services	OBE					\$30,040	8%
MacDonald Engineers	OBE					\$ 9,348	3%
Geocon	OBE					\$ 6,000	2%
Prime Contractor Total:	MBE/WBE/ DBE					\$234,887	65%
Contract Total:						\$360,000	100%

Completed by: Caroline Consaul, Office Manager

001121

SUBCONSULTANTS LIST

INFORMATION REGARDING SUBCONSULTANTS PARTICIPATION:

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NAME AND ADDRESS SUBCONSULTANTS	SCOPE OF WORK	PERCENT OF CONTRACT	DOLLAR AMOUNT OF CONTRACT	* MBE/ WBE/DBE/ DVBE/OBE	** WHERE CERTIFIED
Nasland Engineering 4740 Ruffner St. San Diego, CA 92111	Civil Eng.	28%	\$68,725	OBE	
Affinis Environmental Services 847 Jamacha Rd. El Cajon, CA 92019	Environmental	1%	\$3,640	OBE	
MacDonald Engineers 4901 Morena Blvd., Ste. 202 San Diego, CA 92117	Electrical	4%	\$9,348	OBE	
Geocon Inc. 6960 Flanders Dr. San Diego, CA 92121	Geotechnical	2%	\$6,000	OBE	

* For information only. As appropriate, Proposer shall identify Subconsultants as:

Certified Minority Business Enterprise	MBE
Certified Woman Business Enterprise	WBE
Certified Disadvantaged Business Enterprise	DBE
Certified Disabled Veteran Business Enterprise	DVBE
Other Business Enterprise	OBE

** For information only. As appropriate, Proposer shall indicate if Subconsultant is certified by:

City of San Diego	CITY
State of California Department of Transportation	CALTRANS

CONTRACT ACTIVITY REPORT

Consultants are required by contract to report subconsultant activity in this format. Reports shall be submitted via the Project Manager to the *Equal Opportunity Contracting Program (EOCP)* no later than thirty (30) days after the close of each quarter.

PROJECT: Wightman St. Neighborhood Park **PRIME CONTRACTOR:** Estrada Land Planning, Inc.

CONTRACT AMOUNT: \$250,000 **INVOICE PERIOD:** _____ **DATE:** _____

Include Additional Services Not-to-Exceed Amount

Subcontractor	Indicate MBE, WBE, DBE, DVBE or OBE	Current Period		Paid to Date		Original Commitment	
		Dollar Amount	% of Contract	Dollar Amount	% of Contract	Dollar Amount	% of Contract
Nasland Engineering	OBE					\$68,725	28%
Affinis Environmental Services	OBE					\$ 3,640	1%
MacDonald Engineers	OBE					\$ 9,348	4%
Geocon	OBE					\$ 6,000	2%
Prime Contractor Total:	MBE/WBE/ DBE					\$162,287	65%
Contract Total:						\$250,000	100%

Completed by: Caroline Consaul, Office Manager

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING THE AMENDMENT TO
THE AS-NEEDED CONSULTANT AGREEMENT WITH
ESTRADA LAND PLANNING, INC. – WIGHTMAN STREET
NEIGHBORHOOD PARK.

BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That the Mayor or his designee is authorized to execute for and on behalf of said City, a First Amendment to the As-Needed Agreement between the City of San Diego and Estrada Land Planning, Inc. in the amount of \$110,000 for as-needed Landscape Architectural Services for the Wightman Street Neighborhood Park [Project], for a contract amount not to exceed \$360,000, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR _____, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement.

2. That the expenditure of an amount not to exceed \$110,000 from CIP No. 29-925.0, Wightman Street Neighborhood Park, Fund No. 39094, Special Park Fee, is authorized for providing funds for the First Amendment with the Consultant.

3. That the City Comptroller, upon advice from the administrative department, is authorized to transfer excess funds, if any, to the appropriate reserves.

4. That this activity (an amendment to an existing agreement) is not a "project" and is therefore not subject to California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060 (c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:sc
10/16/08
Aud.Cert.: AC2900185
Or.Dept:E&CP
R-2009-486

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

FIRST AMENDMENT TO AS-NEEDED AGREEMENT

This First Amendment to the As-needed Agreement is entered into between the City of San Diego, a municipal corporation [City], and Estrada Land Planning, Inc. [Consultant] for the Consultant to provide additional As-Needed Landscape Architectural Services.

RECITALS

A. The City and Consultant entered into an agreement on August 5, 2006 for As-Needed Landscape Architectural Services at various park development projects, under terms and conditions set forth in the Agreement, in the amount not to exceed \$250,000, which is on file in the Office of the City Clerk as Document No. RR-301796. The Agreement was retained for the scope of services set forth in the Exhibit "A" [Exhibit A] and as more specifically described in each Task Order Authorization [Exhibit B] [Task Order]. The Consultant shall complete and execute the Task Order which must be approved in writing by the City prior to beginning performance in response to the Task Order.

B. The Consultant was previously issued a Task Order on May 16, 2007, to develop a General Development Plan (GDP), develop construction documents, prepare a geotechnical report to assist with a Site Development Permit (SDP) if needed, and to assist in construction administration. During the development of the GDP and application for the SDP, it was determined that Mitigated Negative Declaration (MND) would be necessary. To fund the work necessary for this document, the Task Order was amended on February 1st, 2008 to delete the development of the construction documents. The City desires to execute this First Amendment to the Agreement for the Consultant to provide for additional funding for As-Needed Landscape Architectural Services including, but not limited to, landscaping, civil, environmental and

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geotechnical services to now provide for the development of construction plans as well as the mitigation, monitoring and reporting required pursuant to the MND, as defined in the Scope of Services [attached as Exhibit A-1] for all reasonably related expenses, in an amount not to exceed **one hundred and ten thousand Dollars [\$110,000]**, with total compensation for services provided under the Agreement not to exceed **three hundred and sixty thousand dollars [\$360,000]**, as set forth in the written Scope of Services [Exhibit A-1], the Task Order Authorization(s) [Exhibit B-1], and the Compensation and Fee Schedule [Exhibit C-1].

C. Consultant desires to provide the services required under this First Amendment.

NOW, THEREFORE, in consideration of the Recitals stated above and incorporated herein by this reference and the mutual obligations of the Parties expressed herein, the Parties agree to modify the Agreement, which is incorporated herein by reference, as follows:

1. Section 1.1, SCOPE OF SERVICES is amended to read as follows:

ADD: "The Consultant shall perform additional As-Needed Landscape Architectural Services including, but not limited to, landscaping, civil, environmental and geotechnical services as set forth in the written Scope of Services [Exhibit A-1] at the direction of the City on an as-needed basis and presented to Consultant as an individual Task Order as specifically described in each Task Order Authorization.

2. Section 1.2, TASK ADMINISTRATOR is amended to read as follows:

DELETE in its entirety and REPLACE with: "The **Engineering & Capital Projects Department** is the task administrator for this Agreement. The Consultant shall provide the As-Needed Landscape Architectural Services under the direction of a designated representative of the **Engineering & Capital Projects Department**. The City's designated representative will communicate with the Consultant on all matters related to the administration

of this Agreement, and the Consultant's performance of the As-Needed Landscape Architectural Services rendered hereunder. When this Agreement refers to communications to or with the City, those communications will be with the designated representative, unless the designated representative or the Agreement specifies otherwise. Further, when this Agreement refers to an act or approval to be performed by City, that act or approval shall be performed by the **City's Mayor, Engineering & Capital Projects Department Director**, or designee, unless the Agreement specifies otherwise.

3. Section 2.1 – TERM OF AGREEMENT is amended to read as follows:

DELETE in its entirety and REPLACE with: This Agreement shall be effective on the date it is executed by the last Party to sign the Agreement, and approved by the City Attorney in accordance with San Diego Charter Section 40. Unless otherwise terminated, this Agreement shall be effective for issuing "new" Task Orders for no more than forty eight (48) months following the date of its execution by the City, unless said duration is modified in writing by an amendment to this AGREEMENT. Furthermore, the total aggregate duration for issuance of "new" Task Orders under this Agreement, shall not exceed sixty (60) months from the original effective date unless approved by City Ordinance. "Active" Task Orders, which are not complete at the time of Agreement duration expiration, shall continue or be amended as required to accomplish completion.

4. Section 3.1, AMOUNT OF COMPENSATION is amended to read as follows:

ADD: "The City shall pay the Consultant for all Professional Services and all expenses related to performance under this First Amendment to the Agreement, in an amount not to exceed **one hundred ten thousand Dollars [\$110,000]**, as set forth in the Compensation and Fee

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Schedule [Exhibit C-1]. The Consultant shall be entitled to compensation for Professional Services under this First Amendment to the Agreement, whether within the Scope of Services or as Additional Services, based on the Compensation and Fee Schedule. For the duration of this First Amendment to the Agreement, the Consultant shall not be entitled to fees which exceed the Compensation and Fee Schedule. The Total Compensation to Consultant under this Agreement shall not exceed **three hundred and sixty thousand dollars [\$360,000]**.

5. Section 3.3, ADDITIONAL SERVICES is amended to read as follows:

DELETE in its entirety and replace as RESERVED.

6. Article VIII (MISCELLANEOUS) is amended to read as follows:

ADD: **"8.19 San Diego's Strong Mayor Form of Governance.** All references to 'City Manager' in this Agreement and all subsequent amendments thereto shall be deemed to refer to 'Mayor.' This section becomes effective on January 1, 2006 and shall remain in effect for the duration the City operates under the mayor-council (commonly referred to as 'strong mayor') form of governance pursuant to article XV of the City of San Diego City Charter."

7. The following attachments are incorporated herein by reference as follows:

Exhibits A-1 (Scope of Services), Exhibit B-1 (Task Order Authorization), Exhibit C-1 (Compensation and Fee Schedule), Exhibit J (Mitigation, Monitoring and Reporting Program, Project No. 149112).

8. The Parties agree that this First Amendment to the Agreement represents the entire understanding of the Consultant and the City and affects only those paragraphs referred to, and all other terms and conditions of the Agreement remain in full force and effect.

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IN WITNESS WHEREOF, this First Amendment to the As-Needed Agreement for Landscape Architectural Services is executed by the City of San Diego acting by and through its Mayor, or his designee, pursuant to Resolution No. _____ authorizing such execution, and by Consultant.

THE CITY OF SAN DIEGO
Mayor or Designee

By _____

Date: _____

Estrada Land Planning, Inc.



Name: Vicki Estrada
Title: President

Date: 10/15/08

I HEREBY APPROVE the form and legality of the foregoing Amendment on this _____ day of _____, 2008.

MICHAEL AGUIRRE, City Attorney

By: _____
Shannon Thomas
Deputy City Attorney

SCOPE OF SERVICES

Scope of Services Section is amended to read as follows:

ADD: "The additional professional services shall include, but not limited to, landscaping, civil, electrical, environmental and geotechnical services necessary to prepare construction plans and environmental documents for permits and to perform the historical Resource (Archaeology) monitoring and reporting tasks as required per the Mitigation Monitoring and Reporting Program contained in the Mitigated Negative Declaration - Project no. 149112 [attached as Exhibit J] for the Wightman Street Neighborhood Park."

EXHIBIT B-1

TASK ORDER AUTHORIZATION FOR CONSULTING SERVICES [TASK ORDER]

Consultant:

Agreement:

Task Order No.:

Date:

Pursuant to the Terms and Conditions of the Agreement referenced above and incorporated into this Task Order, Consultant hereby agrees to perform the Professional Services described below. The Consultant shall furnish all necessary facilities, materials, and professional, technical, and supporting personnel required by this Task Order.

Part A**Scope of Services**

- 1.1 Professional Services rendered under this Task Order shall be performed in accordance with the Agreement. The Scope of Services shall be as set forth in Exhibit A of the Agreement and as more fully set forth below. If necessary, the Scope of Services may be more fully described on one or more separate sheets and attached to this Task Order.

Part B**Task Order Compensation**

City shall pay Consultant for the Professional Services required by this Task Order in accordance with Article III of the Agreement and in an amount not to exceed \$ _____. The estimated cost of the Scope of Services is \$ _____.

Part C**Personnel Commitment**

The Scope of Services shall be performed by Consultant's personnel in the number and classifications required by City.

Part D**Time Sequence**

All Professional Services to be performed under this Task Order shall be completed by _____, and as set forth in the S Services.

City of San Diego

Consultant

Recommended
For Approval:

I hereby acknowledge receipt and acceptance of this Task
Order For:

Approved By:

By:

Name:

Name:

(Type)

(Type)

Title:

Title:

Date:

Date:

EXHIBIT C-1

COMPENSATION AND FEE SCHEDULE

**ESTRADA LAND PLANNING
HOURLY RATES**

Principal	\$175.00
Project Manager/Senior Planner/Senior Landscape Architect	\$150.00
Project Manager/Planner/Senior Landscape Designer	\$115.00
Planner/Landscape Designer	\$100.00
Assistant Planner/Assistant Landscape Designer	\$ 70.00
Clerical	\$ 45.00

Expenses such as printing, delivery, mileage or client authorized subconsultants will be billed at cost + 15%.



Mitigated Negative Declaration

ENTITLEMENTS DIVISION
(619) 446-5460

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Project No. 149112
SCH No. N/A

SUBJECT: WIGHTMAN STREET NEIGHBORHOOD PARK, MAYORAL APPROVAL for the design and development of the Wightman Street Neighborhood Park on a 0.9 acre parkland located in the Mid City-City Heights area, proposing park amenities such as children's play area with playground equipment, basketball courts, picnic furniture and shade structure, trails and exercise stations, and landscapes. In addition, this project will also include improvements to Auburn Creek for the portion located on site in compliance with the City's Chollas Creek Enhancement Program adopted in 2002 enhancing it to a more natural riparian condition, featuring it as an educational and recreational amenity for the public, and improving drainage flow in the creek channel. The proposed project site is located at 5024-5050 Wightman Street, east of 50th Street and south of University Avenue within the City Heights Neighborhood of the Mid-City Communities Planning Area. Applicant: City of San Diego, Engineering and Capital Projects Department

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Historical Resources (Archaeology)**. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

GENERAL

The following mitigation measures shall be noted on the submitted construction/grading documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.

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HISTORICAL RESOURCES (ARCHAEOLOGY)

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I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Land Development Review (LDR) Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.

The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

5. Approval of AME and Construction Schedule

After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The Archaeological monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
2. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-

dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting

- a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are NOT Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,

a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
3. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

United States Government

U.S. Army Corps of Engineers (26)

State of California

Park and Recreation Department

California Department of Fish and Game (32A)

California Regional Water Quality Control Board (44)

San Diego County

Department of Environmental Health (75)

City of San Diego

Councilmember Madaffer, District 7

City Planning and Community Investment Department

MSCP, Betsy Miller (5A)

Long Range Planning, Tony Kempton (4A)

Jeff Harkness, Park Planning (5A)

Development Services Department

Myra Herrmann (MS 501)

Corey Braun (MS 501)

Patricia Grabski (MS 301)
Darren Genova (MS 501)
Kamran Khaligh (MS 501)
Janet King (MS 922)
Mahmood Keshavarzi (MS 910)
Engineering and Capital Projects Department
Debbie Van Martin (908A)
Jeannette DeAngelis (MS 908A)
Local Enforcement Agency (MS 606L)
Library Government Documents (81)
Mid City Community Service Center (MS 94)
Park and Recreation Department (MS 35)
Park and Recreation Department
Heidi Lang (MS 37C)
Wetland Advisory Board (171)
Historical Resources Board (87)
City Attorney's Office - Shirley Edwards

Others

City Heights Area Planning Committee (287)
Mid City Business Improvement District (285)
Fairmount Park Neighborhood Association (303)
Fox Canyon Neighborhood Association, Inc.
John Stump (304)
SD Transit (112)
SDGE (114)
MTDB (115)
San Diego Unified School District (125)
San Diego City Schools (132)
Sierra Club, San Diego Chapter (165)
San Diego Audubon Society (167)
California Native Plant Society (170)
Center for Biological Diversity (176)
Endangered Habitats League (182)
Carmen Lucas (206)
Jerry Schaefer, PhD. (209)
South Coastal Information Center (210)
San Diego Historical Society (211)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225A-R) **Public Notice Only**
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Cuyapaipe Band of Mission Indians (225C)
Inaja and Cosmit Band of Mission Indians (225D)
Jamul Band of Mission Indians (225E)
La Posta Band of Mission Indians (225F)

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Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Santa Ysabel Band of Diegueño Indians (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Rincon Band of Luiseno Mission Indians (225Q)
Los Coyotes Band of Mission Indians (225R)

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.


Myra Herrmann, Senior Planner
Development Services Department

May 9, 2008
Date of Draft Report

July 9, 2008
Date of Final Report

Analyst: M. Herrmann



San Diego County Archaeological Society, Inc.

Environmental Review Committee

13 May 2008

RESPONSE TO COMMENTS

SAN DIEGO COUNTY ARCHAEOLOGICAL SOCIETY
(May 13, 2008)

001145

To: Ms. Myra Hermann
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Wightman Street Neighborhood Park
Project No. 149112

Dear Ms. Hermann:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study, we concur with the impact analysis and mitigation measures as proposed.

We appreciate being included in the public review of this DMND.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

1. Comment acknowledged.

Theresa Quiroz
4719 Baily Place
San Diego, Ca 92105

May 19, 2008

Ms. Myra Hermann
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MSS01
San Diego, Ca 92101

Re: Draft Mitigated Negative Declaration JO: 299250

Dear Ms. Hermann:

I would like to comment on the draft mitigated negative declaration for Wightman Street Neighborhood Park.

XV Transportation/Traffic, f. Result in inadequate parking? Adequate parking for the new park would be on existing street surrounding the site. Six on-site parking spaces are proposed.

2. The map presented as the general development plan does not show any on-site parking. Please clarify where those six on-site spaces would be located.

3. Wightman Street, adjacent to the park, is very narrow and curves both before and after the park site. Please clarify where the adequate on street parking is that would not create a danger to other drivers and to the numerous pedestrians of the area.

Initial Study Checklist - Water Quality

4. The study does not discuss the most important issue facing the project. The property being developed was purchased by the City as a result of a settlement of a lawsuit. The suit was brought because the property frequently floods due to stormwater problems north of the property. It was further found that the flood water was not water, but a mixture of water, hazardous elements and sewage. The City is fully aware of this issue. Please clarify why this issue of health and safety, flooding and water quality was not brought up in the study of environmental issues.

5. Also, the City is under an order from the Regional Water Quality Control Board to clean up the Chollas Creek and its tributaries. The Auburn Creek is a named tributary in the order. Please clarify why there is no discussion of how this project will affect that order, how the city will ensure that no copper, lead or zinc can be added to the polluted water body, or how this project will be used to comply with the order placed on the city.

VIII Hydrology and Water Quality a) violate any water quality standards

6. The Best Management Practices of the city have not yet incorporated the requirements of the RWQCB to remove copper, lead and zinc from the water bodies. Therefore, it is not sufficient to use current best

RESPONSE TO COMMENTS

TERESA QUIROZ
(May 19, 2008)

2. Comment acknowledged. The project does not include any on-site parking. As such, the Initial Study Checklist has been revised to correct the error as noted.
3. Six off-site parking spaces will be provided along the north side of Wightman Street as indicated on Figures 2 and 3. The existing driveway would be closed as part of the proposed project to create the additional street parking adjacent to the new park. The project and associated traffic related issues were reviewed by Transportation staff and no safety hazards were identified. Also see Response to Comment No. 2.
4. This comment refers to a lawsuit settlement requiring purchase of the property by the City of San Diego resulting from continued flooding from stormwater overtopping the Auburn Creek Drainage Channel. Because of the previous on-site flood conditions, a Preliminary Drainage Study was prepared by Nasland Engineering (October 2007) to determine the amount of storm runoff generated by the proposed improvements in comparison with the amount of runoff generated by the previously developed site. The report concluded that due to the reduction of impervious surfaces on the proposed park site, there will be a decrease of 0.55cfs in the peak runoff discharge in a potential 100-year storm event, based on the 100-year intensity factor of 3.0 in/hr, for the .93-acre site. The existing Q100 was calculated to be 1.95cfs, while the proposed Q100 was calculated to be 1.40cfs, and as such would not result in an impact to the existing hydrologic basin and drainage systems. This information has been incorporated into the Initial Study Discussion.
5. All proposed projects are required to comply with the City's Stormwater Regulations and the requirements of the Regional Water Quality Control Board (RWQCB) order. All City projects are reviewed for compliance with these regulatory requirements by the City's Stormwater staff to ensure that construction documents include all necessary measures to eliminate and/or reduce pollutant discharges into Chollas Creek via the Auburn Creek Tributary. In addition, pre- and post construction Best Management Practices (BMPs) have been incorporated into the project in accordance with the Chollas Creek Enhancement Plan and include a vegetated swale consisting of native riparian plant species, native hydroseed mix to minimize erosion on channel slopes, litter control, and protection of storm drain inlets, etc. The project will not contribute additional pollutants into the creek by eliminating the use of: specific Diazanone insecticides, fertilizers with concentrations of copper and zinc, and lead based paint. Other specific measures have been identified and incorporated into the California Regional Quality Control Board Application for Clean Water Act 401 Water Quality Certification, dated May 6, 2008.
6. See Response to Comment No. 5.

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management practices. More specific actions need to be taken to ensure there is no further pollution of this impaired water body.

7. The MND states *Proposed enhancements to the existing creek channel would not affect the flow of urban runoff during a storm event.* So we know that any actions included in this project will not change the fact that the creek floods during storms.

e) *Create or contribute to run-off water which would exceed the capacity of existing or planned stormwater drainage systems –*

8. The project is a park with grass and shrubbery. Those will have to be watered and thus will contribute additional run-off, especially considering the downward sloping feature of the park. We know that the stormwater system is already overcapacity – resulting in the flooding which caused the city to have to purchase the property. We know that *proposed enhancements to the existing creek channel would not affect the flow of urban runoff during a storm event*, therefore would not help with the over capacity problem. The response given by staff relates to water quality, not to exceeding the capacity and is, therefore, non-responsive. Please respond appropriately.

i) *Expose people or structures to a significant risk of loss – No habitable structures are proposed.*

9. The residents of City Heights have long since known that staff consider our low-income and minority residents to be irrelevant. But this response is despicable in its total disregard for the safety of the residents. The only issue to staff is the safety of their structures. No response is given to the question of exposure of people to a significant risk. This attitude towards the health and safety of the City Heights residents must be corrected.

10. The correct response to the question is that this project does expose people to a significant risk of loss. That is precisely why the City was forced to purchase the property in the first place. The creek floods during the rains, and that flooding contains things that pose a significant risk to the people. The city must consider fixing the problem that creates the flooding upstream, upgrading the stormwater system, in order to have a project that is not significant in its exposure of people to risk. Please respond appropriately to the question.

An environmental study for this project cannot be complete unless it contains reference to, and discussion of, the RWQCB order to clean up the creek and the flooding issue that caused the city to purchase the property in settlement of a lawsuit. Both issues are well known to staff, and both issues are very relevant to the project's environmental setting.

Thank you for the chance to comment.

Sincerely,

Theresa Quiroz

RESPONSE TO COMMENTS

Theresa Quiroz - CONTINUED
(May 19, 2008)

7. Comment noted. See Response to Comment Nos. 4 & 5.

8. The project would not increase the flow of stormwater across the site. In fact, the previous site conditions included asphalt pavement, buildings and minimal landscaping on a relatively level pad which did not provide adequate drainage of stormwater run-off. Development of the site for park use requires 60 cubic yards of grading to facilitate site design and ensure adequate drainage of the site. It should be noted, that staff recognizes that the proposed park will flood during a 100-year storm event. However, according to the Preliminary Drainage Study, the proposed project is an improvement from the previous site condition and would result in a decrease of 0.55cfs in the peak runoff discharge during a 100-year flood event due to the reduction of impervious surface proposed with the new park.

9. Comment noted. See Response to Comment Nos. 7 & 8.

10. See Response to Comment Nos. 4, 5, 6, 7 & 8.

COL 147

Herrmann, Myra

From: Denis Desmond (Denis.Desmond@sdmts.com)
Sent: Tuesday, May 20, 2008 8:33 AM
To: DSD EAS
Cc: Cleveland, Travis
Subject: Project 149112: Wightman St Neigh Park

To: Mayra Herrmann
Environmental Planner, City of San Diego
SUBJECT: PROJECT 149112 (WIGHTMAN ST NEIGHBORHOOD PARK)

Thank you for giving the Metropolitan Transit System (MTS) the opportunity to review the Draft Mitigated Negative Declaration for this project.

MTS does not anticipate any impact on its services or facilities by this project, and therefore has no comments on the project or the Draft MND.

Regards,

Denis Desmond
Transportation Planner
Metropolitan Transit System
1255 Imperial Avenue, Suite 900
San Diego, CA 92101
Phone: 619-515-0929
Fax: 619-744-5985
E-mail: denis.desmond@sdmts.com

RESPONSE TO COMMENTS

DENNIS DESMOND (METROPOLITAN TRANSIT SYSTEM)
(May 20, 2008)

11. Comment acknowledged.

001148

5/27/2008

Herrmann, Myra

From: J. W. Stump [jwstump@cox.net]
Sent: Wednesday, May 28, 2008 6:30 PM
To: DSDEA@sandiego.gov; Herrmann, Myra; LoMedico, Stacey; clerk@sandiego.gov
Cc: Carolyn Chase; quiroz@cox.net; Ms. Patty Vac; Jimmy Vee; Eric Bowlby
Subject: Project: 149112; JO: 299250 Wightman Park

CHOLLAS RESTORATION, ENHANCEMENT AND CONSERVANCY

4133 Poplar

City Heights, California 92105

619.281-7394

@cox.net

Date: May 28, 2007

To: Ms. Myra Herrmann, Environmental Planner

Development Service Center - City of San Diego

1222 First Avenue, MS 501

San Diego, California 92101

DSDEA@sandiego.gov

Subject: Proposed Wightman Street Park that floods and
drains to San Diego Bay via Auburn Creek / Chollas Creek, an
impaired water way.

(Project: 149112; JO: 299250)

Our organization, hereafter "commenter" is an established supporter of parks, open
space, and environmental preserves in the City Heights and Chollas Creek watershed
areas. Everyone wants more parks and a cleaner Chollas Creek.

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5/29/2008

The proposed project is on land the City of San Diego purchased because it had flooded for many years and the prior owners took legal action to recover continuing losses from flooding that they asserted were caused by the City. Before the purchase of the subject, project flood lands, the City had paid numerous claims for economic loss and other damages. Review of City documents and the subject lawsuit establish a long relationship of Mr. Jim Madaffer with the subject property. Mr. Madaffer served as a staff person for the Councilwoman Judy McCarty during the early flooding period and is now the Councilman for area in which the project is located. There have been several lawsuits and official investigations of this property and surrounding properties proposed for park projects. Cumulative impacts from other area projects and over development has caused flooding of the subject parcel. This project is in the center of a major development storm.

12. The City, its Redevelopment Agency and Housing Authority have done several environmental studies for projects in the immediate area or along the short tributary of Auburn Creek of the larger Chollas Creek watershed. Projects have included the Oak park Drain extension; the 52nd Street Senior Housing Project, the Auburn Park Housing Project; the Fox Canyon Park project; the University Avenue Landscape Project; the Euclid / Home Avenue Streetscape Improvement Project; the Central Police Garage projects; and studies of the watershed for the recent California Storm Water Permit and the FEMA Flood Survey. . Project, and other studies known to the proposing agency. The San Diego Unified School District has conducted extensive environmental analysis of the Auburn Creek water shed and aquifer for the adjacent siting of the Mary Fay and Ebbarro Elementary schools. The absence of the recent and relevant investigations and environmental studies in the references and bibliography of the current project study raises concerns on the completeness of the subject study.

The commenter requests again that the City review and reference the contents and conclusions of the other studies of this water shed and habitat. It is clear from these studies that there has been extensive use of this area by native Americans, that the immediate area is used for habitat and foraging by listed species and that the subject property floods, and that the underlying aquifer is contaminated by a large plume of volatile chemicals and human waste.

The study does not also reference the community studies and plans for a string of parks along the Auburn Creek. Several creek and canyon surveys and studies have been conducted by the Sierra Club and community organizations. These reports are well known to the City of San Diego.

Recently, the newspaper of record for San Diego published this article:

"Adequate parkland scarce in poor area Council to discuss buying property
By Helen Gao
UNION-TRIBUNE STAFF WRITER

May 24, 2008

CITY HEIGHTS - The Fox Canyon neighborhood in City Heights is densely populated by immigrants and refugees from all over the world. It's a poverty-stricken place

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where you will see a mosque next to a taco shack and a Asian temple within sight of a church.

One thing you don't see much around Fox Canyon is parks.

For years now, the Fox Canyon Neighborhood Association has been trying to get parks built in the community, where children play in the streets because of a lack of recreational space. According to city calculations, the area is short 22 acres of parks relative to its population.

Two proposed neighborhood parks - Fox Canyon and Wightman Street - have both run into trouble, raising doubts on when and if they will ever get built.

The city still has not acquired the approximately 2 acres needed to build the Fox Canyon park, although its interest in acquiring the land at the end of Winona Avenue dates back to at least 2002.

The City Council is expected to discuss buying the property behind closed doors early next week. Larry Zajonc, the property owner, blames the lack of progress on the city for not dealing with him fairly.

The city offered Zajonc \$475,000 at one point, but later appraised the property at about \$52,000. City officials declined to discuss the matter, citing the upcoming closed session.

As recently as April 24, the city's deputy director of real estate assets, David Sandoval, sent Zajonc a letter saying Zajonc's asking price is "far beyond the city's estimation of value" and advising Zajonc to pursue other opportunities to sell his land.

The Wightman park, proposed on city-owned land that's prone to flooding, is scheduled for completion in 2010, but the city has identified only \$696,000 of the more than \$3 million needed for the project.

The city wants to shift a \$2.36 million state grant earmarked for Fox Canyon to Wightman, but it must get permission from the state. The grant expires in June 2010, and the city hopes to submit a formal request to the state in 60 days to transfer the money.

A county grand jury report issued May 15 predicts the city will have a hard time persuading the state to do so.

Sandwiched between apartments and houses, the Wightman parcel is about half the size of the Fox Canyon portion the city wants for the park.

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RESPONSE TO COMMENTS

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Even if the state approves the transfer of funds to Wightman, "the grant would have to be reduced in size. Further, "as a result of the hydrological survey conducted by the Park and Recreation Department, some parts of the property will not be built on, in order to avoid any flood damage.

"Why would the state fund a park that floods periodically?"

Patli Keating, grants chief with the California Department of Parks and Recreation, said shifting money from one project to another is made on a case-by-case basis. She said extending the grant beyond its expiration date would require legislative action.

The Fox Canyon association, which partnered with the city to get the state grant, dreams of creating a system of green space throughout the community that will be linked by trails. It has identified a string of parcels for parks.

"We will continue to work on one parcel at a time until we see the park we want to see," said Jose Lopez, who heads the association.

13. The association was founded in 1997 to improve residents' quality of life by combating crime, noise, graffiti and environmental decay. The 92105 ZIP code, which includes Fox Canyon, has an estimated median household income of \$28,251, according to the San Diego Association of Governments. The same data shows that many residents don't speak English well or at all.

Lopez said it's disheartening that despite the association's activism, so little progress has been made on Fox Canyon.

One bright spot is the newly opened Auburn Park, a half acre lot off University Avenue and 52nd Street. It was built by an affordable housing developer next to its apartment project by the same name. Although privately owned, it's open for public use.

Acquiring the land for the Fox Canyon park is not the only problem the city faces. The project can't proceed without resolving the contentious matter of whether a two-lane road should be built through the canyon.

An unpaved foot path that now traverses the trash-strewn canyon is popular with residents seeking a shortcut.

On paper, a road called Ontario Avenue cuts through the canyon. Lopez said his

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association wants Ontario built to allow another way in and out of the area. However, opponents say the road is unnecessary and would only increase traffic on residential streets. The grant application for the Fox Canyon park did not include the road, which would handle an estimated 2,000 daily car trips there.

All agree parks are needed even if they disagree about the road.

"The Mid-City is tired of promises for city infrastructure that never comes, and the fact that density keeps coming and infrastructure never comes," said John Stump, a longtime City Heights resident who has raised concerns about the road and the lack of environmental study on its impact.

Helen Gao: (619) 718-5181; helen.gao@uniontrib.com

<http://weblog.signonsandiego.com/news/metro/20080524-9999-1cz24fox.html>

The week prior the San Diego County Grand Jury published its report on the subject property:

"FOX CANYON AND WIGHTMAN STREET: A TALE OF TWO CITY PARKS IN EXTREMIS"

SUMMARY

The City of San Diego's plans to build a park in Fox Canyon were used successfully to obtain a State grant of \$2,363,000 to cover a substantial portion of the cost of construction. After the grant was received more planning, time was spent to redesign the park to include a road. Legal difficulties over the environmental statement and differences of understanding with the property owners led the city to terminate efforts to build a park in the canyon. In the meantime, in order to settle another legal action against the city, the City of San Diego obtained land near Fox Canyon on Wightman Street. They cleared the property of several buildings and started the planning process for a park on that property. This process involved design planning, community meetings, and a hydrological survey. The Grand Jury received information that the current plan is to submit an application to the state for a re-scope of the Fox Canyon grant to Wightman, but it is doubtful that the state will approve this. Some city officials seem opposed to building a park in Fox Canyon because of their perception that the tract is not suitable for a park. Other officials oppose the park because of either the inclusion or exclusion of a road. There has also been prolonged confusion in dealings with the owners. In the long run and after considerable expenditures from the General Fund, the city could lose the grant totally and the neighborhood could end up with neither park.

PURPOSE

To inform the public of these two park proposals; to recommend that the city establish a clear line of policy with respect to the Fox Canyon park and that the city find some

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way to get around difficulties of its own making.

PROCEDURES

The Grand Jury examined various park proposals and the City Attorney's Interim Report No. 14 of February 27, 2007, titled The Ontario Avenue Connection and Fox Canyon Park (<http://www.sandiego.gov/cityattorney/reports/pdf/interimreport14.pdf>) and its 108 appendices. We interviewed personnel from the Park and Recreation Department, the Real Estate Assets Department, Community groups, the Crossroads Redevelopment Project Area Committee and representatives of the property owners. Members of the Grand Jury also attended public presentations on the Wightman Street Park conducted by Park and Recreation staff for community residents. We also visited both park sites on two occasions.

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

DISCUSSION

14. On January 15, 2004, the San Diego City Council approved a proposal to be sent to the State of California for a grant to fund partially the construction of a park in Fox Canyon. The canyon contains 2.7 acres of undeveloped space and is in an area covered by the Crossroads Redevelopment Area. The area, just south of University Avenue, and east of Euclid Ave., has a fairly high population density and virtually no parks. According to the city's calculations based on population, this area is short 22 acres of park space. In a letter to former City Manager Michael Uberuaga on April 29, 2002, City Councilmember Jim Madaffer stated:

"I have been working for some time with Park and Recreation Staff and Community leaders to come up with a plan for a system of parks in the Fox Canyon neighborhood of City Heights. City Heights as a whole is so park deficient, and it is one of my goals to add park space here, improving the quality of life for the people who live there.

"There is a parcel located at the end of Ontario Avenue which I believe is a wonderful place for a park. It is near several multi-family housing units, and the many children need a clean, safe place to play. Right now, they play in the filthy, graffiti-ridden drainage ditch that runs through the neighborhood." (City Attorney Interim Report Exhibit #9, MO 2-04-17).

This proposal was enthusiastically supported by the City Council and by the neighborhood association. On November 1, 2004, the city was notified by the state that the application had been approved and that the city had been granted \$2,363,000 for a park. The rules covering the grant program called for "matching funds" which led the city to put in \$930,000 of its own money.

Shortly after this, the city began to redesign the park in the application to include a road, the "Ontario Avenue extension." The City Heights local community group objected to the road; the Fox Canyon group supported a road. One council member strongly supported the road and was heard to say on a television newscast: "Look, I'm the councilmember—this park, this road—it starts right here." (City Attorney

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Interim Report #14, p. 56) He blamed the park staff for not putting the road into the original proposal. While it is true that completing the Ontario Avenue connection had been discussed off and on since the late 90's with respect to easing traffic congestion in the neighborhood and possibly allowing for additional low to moderate income housing, the grant application did not, in fact, include a road. A busy road (est. 2,000 cars per day) would have taken up park space and made it riskier for children to get to the park. The grant proposal without a road was passed by the city council.

In the end a local citizen associated with the Friends of Fox Canyon group filed a lawsuit against the city because the original environmental document submitted to the state did not cover the environmental impact of a road. The city agreed to settle out of court and rejected the environmental document. In the meantime, however, the city determined, contrary to expectations, that the owners were not willing to sell the city their land. One

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

stipulation of the grant was that the state's grant money could not be used for work on property taken by eminent domain. By late 2006 the city had actually given up on a park in Fox Canyon, though the officials dealing with the local community groups in public meetings have not stated clearly that the City Council in the Fall of 2006 had removed all funds from the budget for a park in Fox Canyon.

14. In the meantime, trouble arose over another piece of property in the neighborhood on Wightman Street. Water drainage issues led a property owner to sue the city. This was settled out of court in part by the city acquiring the property for \$3,200,000. The city decided to ask for a re-scope, i.e., a transfer of the funds, of the Fox Canyon park grant to the Wightman Street property, and proceeded to work on the property. A temporary construction fence was erected, and several derelict buildings were demolished and removed. A hydrological survey was conducted to determine how the area could be used for a park while avoiding flooding, and park designs were developed and considered with community groups. The city plans to have a park design to submit to the State in the spring of 2008 along with a request for a re-scope of their Fox Canyon Park grant to the Wightman Street property. On February 27, 2007, the city council moved funds out of the Fox Canyon park budget into a budget slot for the Wightman Street Park in the hope of a re-scope and in response to recommendations contained in the City Attorney's Interim Report #14. The original grant has an expiration date of 2010; if the re-scope is denied, the city could lose the grant altogether.

However, careful examination of the conditions of the original grant and the highly competitive nature of the grant program cast grave doubt on whether the state will accept a re-scope. The city did apply for a re-scope, but the state denied that request on July 10, 2007, on the basis that detailed plans for a park on Wightman Street had not been submitted.

It is unlikely that the State will grant a re-scope to Wightman for several reasons. For one, the grant program is highly competitive and gives much weight to public support and input. There is a formal Fox Canyon Park neighborhood group that has been

RESPONSE TO COMMENTS

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urging the development of a park in Fox Canyon for years; they seem to have been the major force behind getting the grant proposal approved by the city council. But the Wightman property simply fell into the city's hands, and meetings with local residents were begun in order to plan a park. In other words, from the state's point of view, with Fox the horse was before the cart, but with Wightman the reverse was true.

In addition the 0.9-acre Wightman property is just a third the size of the proposed Fox Canyon Park. If a re-scope were granted, the grant would have to be reduced in size. And, the Wightman property is hydrologically challenged. As a result of the hydrological survey conducted by the Park and Recreation Department, some parts of the property will not be built on, in order to avoid any flood damage. Why would the state fund a park that floods periodically?

There has been considerable confusion in the evidence over the various parcels and their sizes. The original Fox Canyon park proposal stated that the area of the park would be

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

14. 2.7 acres. This would require purchasing parcels from two separate owners; 1.7 acres of Parcel A and 1 acre from another parcel (Parcel B). After the discussion about putting a road in the park, the 1-acre of Parcel B was largely dedicated to the Ontario Avenue extension. When the road was abandoned, all talk of purchasing that acre disappeared from the record. In the meantime there is a lot of imprecision in the evidence over the acreages involved. Official records show the entire Parcel A consists of 3.34 acres; the owners dispute this. The original park proposal suggested 1.7 acres of Parcel A would be purchased; other evidence gives other estimates of 1.55 acres, 1.83 acres, and 1.9 acres. The terrain is unmarked and rough, and the parcel is not divided ("split" in real estate terms), so it was difficult for us to see how much the park would occupy Parcel A.

In order to clarify the current conditions of the Fox Canyon park site, and to orient readers to the plat, we present here a diagram of the proposed park and some recent views of the open space in the canyon.

{Photographic and plan exhibits omitted but are available at http://www.sdcountry.ca.gov/grandjury/report07_08.html. The entire Grand Jury Report is incorporated, by reference}

If the city were to acquire just a part of Parcel A, the parcel would have to be formally split. The cost of a split *per se* is relatively modest, but it would require that the purchaser perform any required mitigation. The creek bed and the sewer line would need extensive repairs, access would have to be created, and steps would be required to preserve the habitat of the several endangered species that make the canyon their home. City officials estimate that these measures would cost in excess of \$300,000. If the city were to create a park on the land, a rezoning from residential to park would have to be made; some of our evidence suggests this could take 6-9 months. A decision would have to be made about a road: since a road exists on the city map of the tract (a "paper road"), regular development procedures and rules

RESPONSE TO COMMENTS

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would ordinarily require the new owner to create a real road. The city can exempt itself from this requirement, but this step also would require some time.

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

14. The history of the attempted purchase of the Fox Canyon tract is both informative and mysterious. The current owners bought Parcel A in 2001 for \$510,000. The entire tract consists of 3.34 acres of land; some portions are developed with housing. The county assessment at the time of purchase shows all of the land in Parcel A as having a value of \$238,185. The park land is 57%-65% of the whole parcel; thus the land would seem to have had an assessed value of approximately \$134,153+ at the time of purchase. Our investigation revealed that, following some correspondence among City officials and staff, a purchase price was established in the range of \$340,000—\$425,000. READ made an offer on April 5, 2005, to the owners of Parcel A of \$475,000; the owners did not respond. The city council budgeted \$800,000 to purchase the property necessary for the park. The original park staff budget allocated \$400,000 for the purchase of the land. The READ's next offer to the owners was \$52,000, based on the assumption that the land could not be profitably developed because of the cost of the necessary mitigation plus a road (required of any developer). In addition READ indicated that they did not think it was a very good location for a park. However, during the interval when all of this was milling about in the city, the owners received three offers of \$1-2 million for the property. The buyers dropped their offers to buy when they learned that the City was interested in building a park on the land and/or when they learned of the cost of mitigation. The owners of Parcel A have offered to sell the area the city wants for a park for somewhat less than the budgeted \$800,000.

These gigantic variations in values are difficult to understand. Moreover, it would seem that different parts of the city are working against each other. One sector wants a park in Fox Canyon, another doesn't. One group thinks the property is worth \$800,000, another \$52,000. One faction wants a road (and maybe no park), but an opposing faction wants a park and no road. The same official was at first very glad about the grant with no mention of a road and publicly praised the Park and Recreation Department for its fine work on the proposal; some time later he was an ardent proponent of the road and denigrated the Parks Department for not including it in the original proposal. There have been no serious sit down negotiations with the owners of Parcel A—just exchanges of wildly variant offers between parties with no acceptances. It is extremely difficult to understand why the city could not come to one clear policy on the proposed park before ever submitting a proposal to the state.

Meanwhile, the clock is running and the grant expires in 2010 if not used by then. Using it by then would mean a park would have to be built in Fox Canyon and bills presented to the state by that deadline. What are the chances now of that happening in time? There is no talk in the city of reviving Fox Canyon Park, and purchasing the property, rezoning it from residential to park, repairing the creek bed, and training the local residents to perform the park construction (part of the grant proposal) all would seem to reduce to slim the chances of beating the deadline. But slim is not none. It is time for the city to stop internal inconsistency, and either build Fox Canyon Park per

RESPONSE TO COMMENTS

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the original grant proposal with the State grant money or state clearly that they no longer want to use the grant for a park in Fox Canyon. This would free the land of any entanglements so the owners could dispose of it as they see fit. This course of action would mean that the city would be putting all of its eggs in the re-scope to Wightman Street tract. However,

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

Wightman Street Park would need little in the way of mitigation. It is much smaller so that a simple park could be built there with the city's money, or with funds from the Crossroads Redevelopment Area such as tax increment funds or Development Impact Fees. Otherwise the neighborhood will be left with no park, the city will be left with no grant money, and with hefty bills for all the designing and redesigning

FACTS AND FINDINGS

Fact: The Fox Canyon area south of University Avenue is short 22 acres of park space.

Finding: The proposed Fox Canyon Park and Wightman Street Park would contribute greatly to a park-starved neighborhood.

Fact: The State of California has provided a grant of \$2.3 million to build a park in Fox Canyon.

Finding: The City of San Diego has good preliminary plans to build a park in Fox Canyon.

Fact: The city owns the property for the proposed Wightman Street Park.

Finding: Tax increment funds and/or Development Impact Fees could be used to pay for a simple park at Wightman Street.

Finding: The proposed park appears to be the best use of the vacant land in Fox Canyon.

RECOMMENDATIONS

The 2007/2008 San Diego County Grand Jury recommends that the Mayor and City Council of the City of San Diego:

08-60: Immediately bring the different departments of the City involved in this matter together to come to decision, prior to losing the opportunity to use State grant monies whether to purchase the Fox Canyon park tract and begin constructing a park there or return the state grant funds and disencumber the properties.

08-61: If the decision is to not construct a park on the Fox

RESPONSE TO COMMENTS

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Canyon tract, bring these same departments of the City together to evaluate whether funds are available and should be used to construct a park at Wightman Street

08-62: Decide whether to build a road in Fox Canyon.

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court)*; except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a); (b), (c), details, as follows, the manner in which such comment(s) are to be made:

(a) As to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding
- (2) The respondent disagrees wholly or partially with the finding. In which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

RESPONSE TO COMMENTS

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(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

14. (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

SAN DIEGO COUNTY GRAND JURY 2007—2008 (filed May 15, 2008)

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

Responding Agency Recommendations Date

Mayor, City of San Diego 08-60 through 08-62 8/12/08

City Council, City of San Diego 08-60 through 08-62 8/12/08

15. The San Diego City Attorney did an extensive investigation on the Fox Canyon Auburn Creek area. The Agencies own investigation: "The Ontario Avenue Connection and Fox Canyon Park" report is some 1,100 pages and exhibits on this area but it is not analysis or referenced. This report and the report of the hydrologists for acquisition of the Wightman Street project property must be referenced in the final environmental document.

16. The prior studies all indicate the presence of sensitive species that use the area. The isolated fact that the project applicant cleared the subject property

RESPONSE TO COMMENTS

J.W. STUMP (CHOLLAS RESTORATION, ENHANCEMENT AND CONSERVANCY)
(May 28, 2008)

- 001160
12. This comment provides information related to the community, recent projects in the vicinity and statements that do not address the adequacy or accuracy of the environmental document and therefore, no response is required.
 13. This comment reiterates text from a recent Union-Tribune article and does not address the adequacy or accuracy of the environmental document and therefore, no response is required.
 14. This comment reiterates text from a recently released Grand Jury report which is being addressed by the Office of the Mayor. The comment does not address the adequacy or accuracy of the environmental document and therefore, no response is required.
 15. A project specific CEQA Initial Study was prepared for the Wightman Street Neighborhood Park project which included review of all technical studies submitted by the applicant department such as, but not limited to a Water Quality Technical Report, Geotechnical Investigation, Biology Survey Report and Preliminary Drainage Report. Although other studies may have been conducted for the Fox Canyon area by other agencies, CEQA only requires analysis of the proposed project's direct and/or indirect impacts on the environment and incorporation of those studies into the appropriate environmental document. All above noted technical studies have been referenced in the environmental document with the exception of the study prepared for acquisition of the subject property as it was not part of the submittal package and unknown to environmental staff.
 16. A Biological Survey was conducted for the project site and did not result in the identification of any rare or endangered sensitive plants, animals or avian species that could be impacted with site development. Although largely barren of vegetation, the project site once contained a multi-family residential complex and minimal ornamental landscaping. The adjacent creek is devoid of wetland vegetation with the exception of *Arundo donax* which is considered an invasive plant species in any area of San Diego. Because no biological impacts would result from the project, no mitigation is required.
 17. See Response to Comment Nos. 4, 5, 6, 7 & 8. Based on comments provided by Engineering and Capital Projects Department staff, the Hydrology and Channel Hydraulics Analysis for Auburn Creek between University Avenue and Wightman Street prepared by Masson & Associates in June 2007 calculated 497.2 cfs for the 100-year flood event as opposed to the 700 cfs referenced in the comment.

16. does not diminish the need to study the subject property for use by listed animals.

17. The project needs to study the flooding on, at, and surrounding the project site. The testimony for the suit to purchase the subject property established flooding rates in excess of 700 cfs onto the subject property. The commenter has observed the subject property flooding out and over Wightman Street during the most recent rainy season.

Cumulative Impacts of Other Reasonably Known Projects:

18. The Report and FONSI / MSD fails to discuss or present any other projects that the City, Redevelopment Agency, Developer or housing Authority may have planned or be noticed of in the City Heights or CrossRoads area. 52nd Street is a major Collector Street in City Heights with land actively under redevelopment. El Cajon Boulevard and University Avenue are the two parallel arterial streets with less than satisfactory traffic flow levels. The current document references six on site parking spaces, which seems in error.

19. The "Fox Canyon" and Auburn Creek areas, directly south of this project, have been the subjects of lawsuits for failure to adequately consider cumulative impacts of traffic and housing development.

20. A project of this size with impacts on a known flood zone and to an established and listed impaired waterway requires more than a statement that the project will comply with Best Management practices (BMPs). The project PERMIT should specifically describe and list how storm water will be controlled on site and the quality of the run off water will be improved before it is sent to the impaired Auburn Creek. I am informed and believed that a child has been killed because of flooding in this basin and the flooding conditions in this area are well established. The City of San Diego's own records and reports to City Council and the Planning Commission concerning Fox Canyon Park and the Park on Wightman Street are incorporated by reference. Additionally, television station Channel 9 KUSI investigative report "The TURKO FILES" "Parks in Peril" provide significant information concerning flooding in this area and cumulative impacts in the area. "Parks in Peril" series is incorporated by reference into this testimony. The Wightman Street site suit and the TURKO report raised water quality concerns and human exposure issues.

21. It is requested that the document requires specific flood control and storm water quality improvement measures. The specific storm water control measures required should include, at minimum, on site infiltration and measures that improve the quality of any water that is going to leave the project site and be delivered to Auburn Creek / San Diego Bay.

FONSI / MND

22. The references cited for the conduct of this initial study do not include the numerous other adjacent environmental studies of this project area. The study should have considered and consulted these studies. At the reports consulted should include the construction of the adjacent new elementary school, remedial construction on

5/29/2008

RESPONSE TO COMMENTS

J.W. STUMP (CHOLLAS RESTORATION, ENHANCEMENT AND CONSERVANCY)
(May 28, 2008)

18. The first part of this comment does not reflect the environmental document prepared for the Wightman Street Neighborhood Park Project and therefore no response is required.

19. See Response to Comment Nos. 2 & 3.

20. Comment noted.

21. The proposed park is an improvement from the previous and existing conditions with regards to water quality. In addition, although located within the required 20-foot buffer area for the creek, the proposed project provides a physical barrier from the creek by installing 4-foot high wood rail fencing at the top of the channel along the entire western edge of the 9-foot wide decomposed granite walkway. These design features, along with interpretive and educational signage would serve to prevent children and adults from entering or being inadvertently swept into the downstream culvert during a strong flood event.

22. See Response to Comment Nos. 5 & 6.

23. This comment does not reflect the environmental document prepared for the Wightman Street Neighborhood Park Project and therefore no response is required.

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23. University Avenue, Auburn Park Apartments, Fox Canyon Park, the redevelopment plans for City Heights and Crossroads, and other public and private projects in the area and the length of Auburn Creek. The City of San Diego's stormwater Weston Study and the FEMA Flood study being conducted by the URS consultants should have been referenced and consulted. This projects funding could include federal funding and CDBG from the federal HUD sources.

I request that the agency not approve the FONSI/MND. I request that the Department require a more complete study of the issues raised in this memorandum, my previous comments and public hearings on Storm Water and Fox Canyon. A full environmental analysis of the impacts of this flood project should be required and the document be re-circulated.

CONCLUSION

City Heights is not so desperate for parks that it should ignore analysis of this projects specific impacts on Public Services, Hydrology/Water Quality, Transportation/Circulation, and Land Use. This project exists because other projects flooded on to it now is the time to address cumulative flooding and storm water impacts.

Checklist analysis is insufficient given the scale of the project and potentials for significant cumulative impacts in the redevelopment area. Responses to the comments have resulted in significant changes to the project description and scope; these require more in-depth analysis. The project name camouflages the scale and scope of this major development and prevents fair notice of these facts to the public. More flooding will occur downstream without action.

Please respond in writing to the Grand Jury findings and this letter.

Respectfully submitted

Chollas Restoration, Enhancement, and Conservancy

John Stump

Copy: San Diego City Council via the City Clerk, Mr. Jim Varnadore, CH Planning Chair

RESPONSE TO COMMENTS

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001162

Herrmann, Myra

From: Jim Varnadore [city_heights@yahoo.com]
Sent: Tuesday, May 13, 2008 9:21 AM
To: DSD EAS
Cc: Grabski, Patricia
Subject: 5024-50 Wightman St. (PTN149112)
Attachments: 080513Comments.wpd

Ms. Herrmann, Ms. Grabski,

The attachment is my first response to the draft MND for the Wightman Street Park.

24. I will separately recommend to the City Council that the site be dedicated as park land. That might require a community plan amendment to change to a more suitable zone designator before dedication.

Jim Varnadore
City Heights

Postoffice Box 5859
City Heights CA 92165
May 13, 2008

Development Services Department
Attn: Myra Herrmann
1222 First Avenue MS501
San Diego CA 92101

Subject: 5024 Wightman Street (PTN149112)

Ms. Herrmann,

25. The checklist in the draft MND for the subject property requires two corrections. Issue VI c) on page 6 indicates that six on-site parking spaces are proposed. The same statement is made on page 16 in Issue XV f). No on-site parking is proposed for this project, as is shown earlier in the draft MND in figures No. 2 and No. 3. In fact, Note 2. on Figure No. 2 states that there is not parking requirement for this Neighborhood Park.

This response will first be send electronically and then a signed copy will be mailed to the address above.

Thank you,

RESPONSE TO COMMENTS

JIM VARNADORE
(MAY 13, 2008)

24. Comment noted.

25. See Response to Comment Nos. 2 & 3.

001163

Postoffice Box 5859
City Heights CA 92165
May 27, 2008

Development Services Department
Attn: Myra Herrmann
1222 First Avenue MS501
San Diego CA 92101

Subject: 5024 Wightman Street (PTN149112)

Ms. Herrmann,

26. The checklist in the draft MND for the subject property should show in Section VIIIA and VIIIC that while BMP will be designed into the project, additional care is needed to prevent damage to the adjacent creek during construction.

27. Sections VII and VIII should take account of damage to the creek expected to occur owing to long-term use of fertilizers and herbicides in the maintenance of the park during.

28. The City is under a federal mandate to clean up metals such as copper, lead, and zinc that leach from nearby roads into the creek, both near this site and at farther downstream. This draft MND does not indicate how the City will comply with that mandate at the site.

29. While not expressly a matter under CEQA, the City should use this project to advance the Chollas Creek Enhancement Plan as much as can be done, at and adjacent to this site.

This response will first be send electronically and then a signed copy will be mailed to the address above.

Thank you,
Jim Varnadore
City Heights

RESPONSE TO COMMENTS

JIM VARNADORE
(MAY 27, 2008)

26. Additional language has been added to Section VIIIA and VIIIC of the CEQA Initial Study Checklist as recommended.
27. According to Park and Recreation Department staff, when it is necessary to use pesticides as part of an IPM approach and minimize the potential migration of fertilizer and herbicide residues into the adjacent creek, careful product selection and application practices are used. When developing and updating their program, they rely on the best expert scientific opinion to inform them about the IPM materials and methods, as well as assessments from regulatory agencies, California university extension scientists and other experts in the field. Park and Recreation Department pesticide applicators are required to comply with all pesticide label directions, federal, state, and local pesticide regulations, applicable safety laws, and Department policies. Use of appropriate pressure, correct nozzles and other techniques would be employed to minimize overspray particles that could drift into the adjacent water body. In addition, the following pesticides are allowed for Park use: Post emergent herbicides; Glyphosate products: Roundup Pro, Rodeo, Aquamaster and Surfactant; Fertilizer: 26-4-12, 21-4-4.
28. As part of the Wightman Street Neighborhood Park development, Best Management Practices (BMPs) and the City's Chollas Creek Enhancement Program are incorporated and implemented to restore the Auburn Creek to a natural drainage system and its natural biological condition that would provide an overall environmental benefit. The BMPs would include best selected methods available to minimize street water runoff directly into Auburn Creek by including, but not limited to, sustainable grading to maintain positive slope runoff away from the creek and installation of new curb and gutter to better direct street runoff into a collection basin.
- In addition, this project also has been submitted to the State and Federal resources agencies including the Regional Water Quality Control Board, Department of Fish and Game, and the Army Corps of Engineers for assessment. Upon completion of the agency review, this project would incorporate additional measures to satisfy other applicable agency requirements.
29. This project has incorporated all the requirements of the Chollas Creek Enhancement Plan and has been reviewed for consistency with the Plan.

001164

Herrmann, Myra

From: Fairmount Park Association [fairmountpark92105@yahoo.com]
Sent: Saturday, May 17, 2008 3:05 PM
To: DSD EAS
Subject: Project 149112

To: Myra Herrman, Environmental Planner-City of San Diego
From: Russ Connelly, President-Fairmount Park Neighborhood Association
Re: Project 149112 Wightman Street Park
Subject: Comments about MND: JO 299250

About the Initial Study: section II-Environmental

30. Setting: One concern is for the prevention of graffiti at both points where the creek culvert ingresses and egresses the subject property, as well as proposed boulder groupings and other facilities that have large surface areas that are exposed. Anti-graffiti coatings on these surfaces are highly recommended to reduce the likelihood of blight that could be associated with the property once the project is completed.

Section IV- Discussion: "Environmental issues were analyzed and determined to not be significant."

31. Regarding water quality, two concerns should be noted and addressed: Treatment of grass areas with herbicide chemicals or other materials could drift from the grass areas into the area of the Creek bed and most likely would not be mitigated by grassy swales. No discussion was made about prevention of these materials as well as prevention of pet wastes from park users getting into the area of Auburn Creek, which is a branch of Chollas Creek—a recognized impaired drainage area. Educational materials and/or signage and pet waste bags should be made available on site to prevent pet waste issues from occurring.

32. On the Environmental Checklist Form, Point 8 as well as IX-Land use and Planning: Despite the finding that a Community Plan Amendment is not needed prior to park development, it is recommended that the parcel be rezoned and dedicated to park use at this time to maintain consistency with land use designations since this is a deviation from the currently zoned use and would help guarantee that the parcel would be used as a park in perpetuity.

Section I-D of "Issues" states 'no impact' and is incorrect. All lighting has some effect, regardless of design or mitigation, especially since there are apartment buildings in close proximity on each side of the subject property and should be changed to 'less than significant impact with mitigation incorporation'.

Thank you for the opportunity to comment on this project.

RESPONSE TO COMMENTS

FAIRMOUNT PARK ASSOCIATION
(MAY 17, 2008)

30. Park and Recreation Department staff will be responsible for inspecting and maintaining areas within the park including removal of graffiti from boulders and flat surfaces where such activities could occur. Park staff will consider the use of anti-graffiti coatings on these surfaces as suggested.
31. See Response to Comment Nos. 27, 28 and 29.
32. Comment noted. However, because parks are an allowed use within residential zones, it was determined by City Planning and Community Investment Department Staff that a community plan amendment was not required at this time with this action.
33. Lighting for the proposed park project has been designed to comply with the City's Municipal Code requirements and would not result in a significant impact on adjacent residential uses; therefore, no mitigation is required.

00165

00468 City of San Diego
Development Services Department
ENTITLEMENTS DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
Project No. 149112
SCH No. N/A

SUBJECT: **WIGHTMAN STREET NEIGHBORHOOD PARK.** MAYORAL APPROVAL for the design and development of the Wightman Street Neighborhood Park on a 0.9 acre parkland located in the Mid City-City Heights area, proposing park amenities such as children's play area with playground equipment, basketball courts, picnic furniture and shade structure, trails and exercise stations, and landscapes. In addition, this project will also include improvements to Auburn Creek for the portion located on site in compliance with the City's Chollas Creek Enhancement Program adopted in 2002 enhancing it to a more natural riparian condition, featuring it as an educational and recreational amenity for the public, and improving drainage flow in the creek channel. The proposed project site is located at 5024-5050 Wightman Street, east of 50th Street and south of University Avenue within the City Heights Neighborhood of the Mid-City Communities Planning Area. Applicant: City of San Diego, Engineering and Capital Projects Department

I. PURPOSE AND MAIN FEATURES:

Implementation of the proposed project consists of the development of an approximately 0.9 park acre passive park, located in the City Heights neighborhood within the Mid City Communities Planning Area (Figure 1). The proposed project includes enhancements to the Auburn Branch of Chollas Creek along the western boundary of the project site.

The proposed park would provide accessibility in accordance with all applicable State and Federal guidelines. The park emphasizes the "Auburn Creek" theme, using cobblestones, native plants, interpretive exhibits, natural appearing materials, and a "bridge" to emphasize the relation to the water. A shady trellis provides identity and character at the entry to the park and will thematically relate to the overhead structure. Picnic tables and barbeques, trash and ash receptacles are provided throughout the park for families and small groups (Figure 2).

The park is conceived as a natural expansion of the adjacent Auburn Creek, a tributary of Chollas Creek and is designed in to co comply with the Chollas Creek Enhancement Program (Figure 3). The area of the creek and the 20' setback from the creek bank will be restored to a more natural riparian condition with a curving, decomposed granite trail. Large native riparian trees will spread though the park providing shade and screening adjacent apartment complexes. The other perimeter shrub and groundcover planting will reflect the natural character of the creek. Four of the original trees would be retained on the site to permit instant shade and a sense of the park's history. Boulder groupings will be introduced to provide informal seating, and provide interest along the informal, curvilinear path that loops through the park. An expanse of lawn in the central area of the park will provide open play areas, but the size would not allow organized field games.

This park encourages activities to develop strength and agility, including exercise stations, two basketball half courts, a scooter & tricycle trail, and play equipment areas for 2-5 and 6-12 age groups. A drinking fountain would be provided for refreshment.

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Proposed enhancements to the existing creek channel would not affect the flow of urban runoff during a storm event.

Although the entire project site would be graded in order to develop the park site, only a few small areas along the eastern unvegetated creek bank and possibly in the streambed itself would require earthwork to facilitate site design. The work would require a Streambed Alteration Permit from the California Department of Fish and Game (CDFG) and permitting from the Regional Water Quality Control Board (RWQCB). In addition, the project would require a Nationwide Permit issued by the Army Corps of Engineers (ACOE). A four-foot high wood rail fence would be located along the western edge of the decomposed granite walkway, and a six-foot high retaining wall covered with vines would be necessary along the eastern boundary with the adjacent apartment complex property. Six off-site parking spaces would be accommodated along the north side of Wightman Street after closure of the existing driveway with project implementation. All construction staging areas would be located in areas devoid of sensitive vegetation or on the public street at the project site. A traffic control plan would be required during the duration of the construction.

II. ENVIRONMENTAL SETTING:

The approximately 1.0-acre City-owned site is located within the City Heights Community of the Mid-City Communities Planning Area, along the north side of Wightman Street, east of 50th Street west of 52nd Street, and south of University Avenue. The proposed project site is adjacent to the Auburn Branch of Chollas Creek and would provide approximately 0.9 acres of passive use park, along with creek enhancements, in accordance with the Chollas Creek Enhancement Plan (CCEP). The project area can be described as a small vacant lot (previously developed with a multi-family residential complex) that is surrounded by residential development. The entire project area occurs within the boundaries of the City of San Diego Multiple Species Conservation Program (MSCP), but is located outside of the City's Multi-Habitat Planning Area (MHPA).

With the exception of a few scattered patches of exotic plant species along Auburn Creek, this property does not support any native habitat and is entirely disturbed. The project site is relatively flat with elevation ranges between 272 -278 above mean sea level (AMSL); the existing creek channel being at the lowest elevation on site. Auburn Creek enters the project site from the north, through concrete culverts under a paved parking area on an adjacent property, flowing generally south along the western property boundary and exiting the site via a box culvert under Wightman Street. The channel width varies between approximately two to four feet with a creek bed of rock and cobble throughout its length.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study Checklist.

IV. DISCUSSION:

The following environmental issues were analyzed and determined to be significant:
HISTORICAL RESOURCES (ARCHAEOLOGY).

HISTORICAL RESOURCES

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed

development within the City of San Diego when historical resources are present on the premises. CEQA requires that before approving discretionary projects the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (Sections 15064.5(b) and 21084). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities which would impair historical significance (Sections 15064.5(b)(1) and 5020.1). Any historical resource listed in or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The project site is located in area of San Diego which has a high potential for prehistoric and historic archaeological resources. Review of site records and archaeological survey reports from the project area resulted in the identification of several known archaeological sites within a one-mile radius; however none were mapped within the project boundaries or in close proximity. The entire project site was surveyed by qualified City staff in 2007 prior to building demolition, and again in April 2007 when the site was vacant in order to visually inspect for any surface component or archaeological resources. Although the field survey was negative, because there is a potential for buried resources to be encountered during grading activities, monitoring with a Native American monitor would be required during all grading and excavation activities for the proposed project. In addition, prior to the preconstruction meeting, the approved archaeological consultant would have the opportunity to review final engineering /construction drawings to further define the areas requiring monitoring. Therefore, implementation of the archaeological monitoring program identified in Section V of the Mitigated Negative Declaration, would reduce potential historical resource impacts to below a level of significance.

The following environmental issues were analyzed and determined not to be significant: **LAND USE, BIOLOGICAL RESOURCES, HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS AND WATER QUALITY.**

LAND USE (APPLICABLE PLANS AND POLICIES)

The Mid-City Communities Plan (MCCP) is designed to supplement the General Plan policies. This is accomplished through the identification of specific community issues and specific policies that build on those embodied in the General Plan. The MCCP is a policy document which includes an implementation strategy that establishes the timing and financing required to implement the policies and vision of the plan. The MCCP is intended to provide a vision for the future development of the four Mid-City communities of Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area.

Chollas Creek Enhancement Program (CCEP)

Because the project site includes the Auburn Branch of Chollas Creek, the project must be consistent and/or meet the intent of the Chollas Creek Enhancement Program (CCEP). One goal of the Natural and Cultural Resources Element of the Plan is to improve and enhance the riparian habitat in Chollas Creek. Additionally the CCEP calls for the incorporation of pedestrian trails, an interpretive/educational component, and opportunities for public art through the implementation of a master plan. The CCEP (May 14, 2002) states that development is to be setback at a minimum of 20 feet from the edge of the urban creek channel in order to accommodate linear park opportunities and

provide for an 8-10 foot pedestrian trail which should interconnect with pedestrian pathways throughout the proposed park project. According to the CCEP, an 8 to 10-foot trail should be developed wherever existing width allows.

A wetland buffer is an area that surrounds an identified wetland and helps to protect the functions and values of the adjacent wetland reducing physical disturbance from noise, activity and domestic animals and provides a transition zone where one habitat phases into another. The buffer also protects other functions and values of wetland areas, including absorption and flowing of flood waters for flood and erosion control, sediment filtration, water purification, ground water surcharge and the need for upland transitional habitat. Within the coastal overlay zone, the buffer would be 100 feet, typically (City of San Diego Biology Guidelines 2001). The project site does not lie in the coastal overlay zone. Currently there is no existing buffer between the undeveloped street right of way and the top of channel. The proposed project would provide a 20 foot buffer adjacent both the portions of the creek parallel to Ontario Avenue and Landis Street, in accordance with the CCEP.

The CCEP recommends an eight to ten foot meandering trail. The project proposes a nine-foot wide stabilized accessible, decomposed granite walkway within the buffer area adjacent to Auburn Creek. City staff determined that the proposed 9-foot wide pedestrian walkway, as designed meets the goals and intent of the CCEP. In addition, the plant palette for the buffer area would be selected from those listed in the CCEP and interpretive signage would be included along the walkway and throughout the park to identify special natural features, as well as adjacent cultural, historical and paleontological resources in accordance with the CCEP.

Multiple Species Conservation Program (MSCP)

The Multiple Species Conservation Program (MSCP) is a conservation program designed to facilitate the implementation of a regional habitat preserve while allowing "take" of endangered species or habitats at the individual project level (City of San Diego 1997). This habitat preserve is known as the Multi-Habitat Planning Area (MHPA) and lands within it have been designated for conservation. The MHPA was designed to conserve biological resources considered sensitive by the resource agencies and by the City of San Diego.

Although the project area exists within the urban area of the MSCP, it is located outside of the City's MHPA boundaries. Thus, the proposed project would not conflict with the conservation of vegetation communities inside the MHPA. Furthermore, the project would not conflict with the Land Use Adjacency Guidelines established in Section 1.4.3 of the City's MSCP Subarea Plan. As previously discussed, the proposed project site is within a vacant lot surrounded by residential development. Therefore, proposed activities in the project area would not have any direct or indirect impacts to habitat in the MHPA.

HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

The County of San Diego Department of Environmental Health (DEH) Hazardous Materials Establishment Listing database identifies potentially hazardous material release sites throughout the City of San Diego. As a result, a regulatory database review was conducted for the proposed project. Although the project site was not listed on any searchable databases, a total of twenty-two sites were listed on the Federal, State or Local jurisdiction databases, the closest being within approximately ¼ mile from the project site. In addition, an assortment of junk and trash, including a kitchen sink was encountered during an initial site visit by the Project Biologist as well as by City Staff.

001170

This discarded material was the result of the recent residential activity at the site and did not warrant the need for a Phase I Site Assessment. No other potential public safety hazards were identified or observed at the site, and the properties listed on the regulatory databases would not result in a significant adverse impact to the project site. Although no public safety hazards were identified, the City of San Diego would be required to implement a County approved health and safety work plan addressing the handling and removal of hazardous materials should any potentially hazardous materials be encountered during grading activities. A standard work plan would be incorporated into the Specifications and Contract Documents which address Compliance with the County (DEH) Hazardous Materials permitting requirements. The approved health and safety plan would reduce potentially significant impacts for the identified (near term) and future (long term) projects to below a level of significance; therefore, no mitigation is required.

HYDROLOGY

Because of the previously known on-site flood conditions, a Preliminary Drainage Study was prepared by Nasland Engineering (October 2007) to determine the amount of storm runoff generated by the proposed improvements in comparison with the amount of runoff generated by the previously developed site. According to the Drainage Study, the existing and proposed storm runoff from the project site would discharge into Auburn near the southwest corner of the project site. In a site specific basin analysis, a comparison of composite stormwater runoff for the existing and proposed conditions is provided for a 100-year storm event. The report concluded that due to the reduction of impervious surfaces on the proposed park site, there would be a decrease of 0.55cfs in the peak runoff discharge in a potential 100-year storm event, based on the 100-year intensity factor of 3.0 in/hr. for the .93-acre site. The existing Q100 was calculated to be 1.95cfs, while the proposed Q100 was calculated to be 1.40cfs, and as such would not result in an impact to the existing hydrologic basin and drainage systems.

WATER QUALITY

1. Best Management Practices (BMPs) are required during construction activities which would include (but is not limited to) features such as storm drain inlet protection, catch basin inlet protection, stabilized construction entrance/exit areas, and silt fencing. Storm drain inlet protection consisting of gravel bags and filter fabric such as polyethylene or polypropylene would be placed around curb inlets. Catch basin inlet protection would be specified in paved areas by using filter fabric over catch basin grates. Specifications for stabilized construction entrance/exit areas would be provided to minimize transport of sediment off-site. Silt fences and fiber rolls would be specified to minimize surface transport of sediments. The construction contractor would be required to prepare and use a Sewer Spill Prevention and Response Plan. In addition, the applicant is required to provide post-construction BMP's due to proximity to Auburn Creek. The project as designed would include a vegetated swale planted with lawn adjacent to the creek which would act as a filter for run-off from park irrigation and storm flow. The project will not contribute additional pollutants into the creek by eliminating the use of: specific Diazanone insecticides, fertilizers with concentrations of copper and zinc, and lead based paint. Other specific measures have been identified and incorporated into the California Regional Quality Control Board Application for Clean Water Act 401 Water Quality Certification, dated May 6, 2008. Implementation of BMP's as stated in the contract documents in accordance with the City's Stormwater Regulations would reduce water quality impacts to a below level of significance.

BIOLOGICAL RESOURCES

The project site was surveyed by a Biologist from Affinis Environmental Services in May and June 2007. Based on the results of the biological survey, the project site does not support any native habitat(s) and is entirely disturbed. Largely barren, the site supports only a spotty growth of weedy species and a few mature ornamental trees remaining from the previous residential development. The cobble-bottom Auburn Creek (considered an ephemeral stream) is largely devoid of vegetation, with the exception of a stand of giant reed (*Arundo donax*) and non-native species such as ornamental nasturtium and iceplant along portions of the creek bank. Based on these observations, it was determined that the segment of Auburn Creek within the property is considered a ACOE jurisdictional Waters of the U.S., but is not considered a wetlands as defined by the CDFG or the City of San Diego and therefore not subject to the Environmentally Sensitive Lands Regulation of the Land Development Code. The ordinary high water line occurs between the channel bottom and the top of the channel banks. However, both the CDFG and City claim jurisdiction from the top of bank to the top of bank. Therefore, in terms of project constraints, the project may not encroach past the present top of each bank without requiring a CDFG Section 1602 Streambed Alteration Agreement. Any action that would result in placement of fill or removal of material dredged below the ordinary high water line would require a Section 404 Clean Water permit from the ACOE.

The City's Biology Guidelines require an analysis of project alternatives that fully/substantially avoid wetland impacts and require that a sufficient buffer be maintained to protect resource function and values. The 100-foot buffer standard only applies within the coastal zone, and the proposed project site does not lie within the coastal zone. Presently, there is no existing buffer between the vacant site and the top of channel. The proposed plans for the park development were designed to accommodate a 20-foot buffer in accordance with the Chollas Creek Enhancement Plan. This buffer area would include plants selected from the palette identified in the Chollas Creek Enhancement Plan (CCEP) and include a decomposed granite walkway.

With the exception of a stand of giant reed (*Arundo donax*) within the creek and non-native species such as ornamental nasturtium and iceplant along portions of the creek bank, the project site does not support any native vegetation. These non-native species are of low ecological value, with vegetation primarily composed of exotic species and channel bottoms composed of cobble and rubble. Therefore, no mitigation is required.

No sensitive bird species were observed nesting within the project area. However, several mature exotic trees remain on the site and could provide potential nesting habitat for raptors. Although these trees would not be removed, nesting birds may be present during construction. Therefore, compliance with the Migratory Bird Treaty Act (MBTA)/Section 3503 would preclude the potential for impacts to these bird species and no surveys for nesting birds would be required.

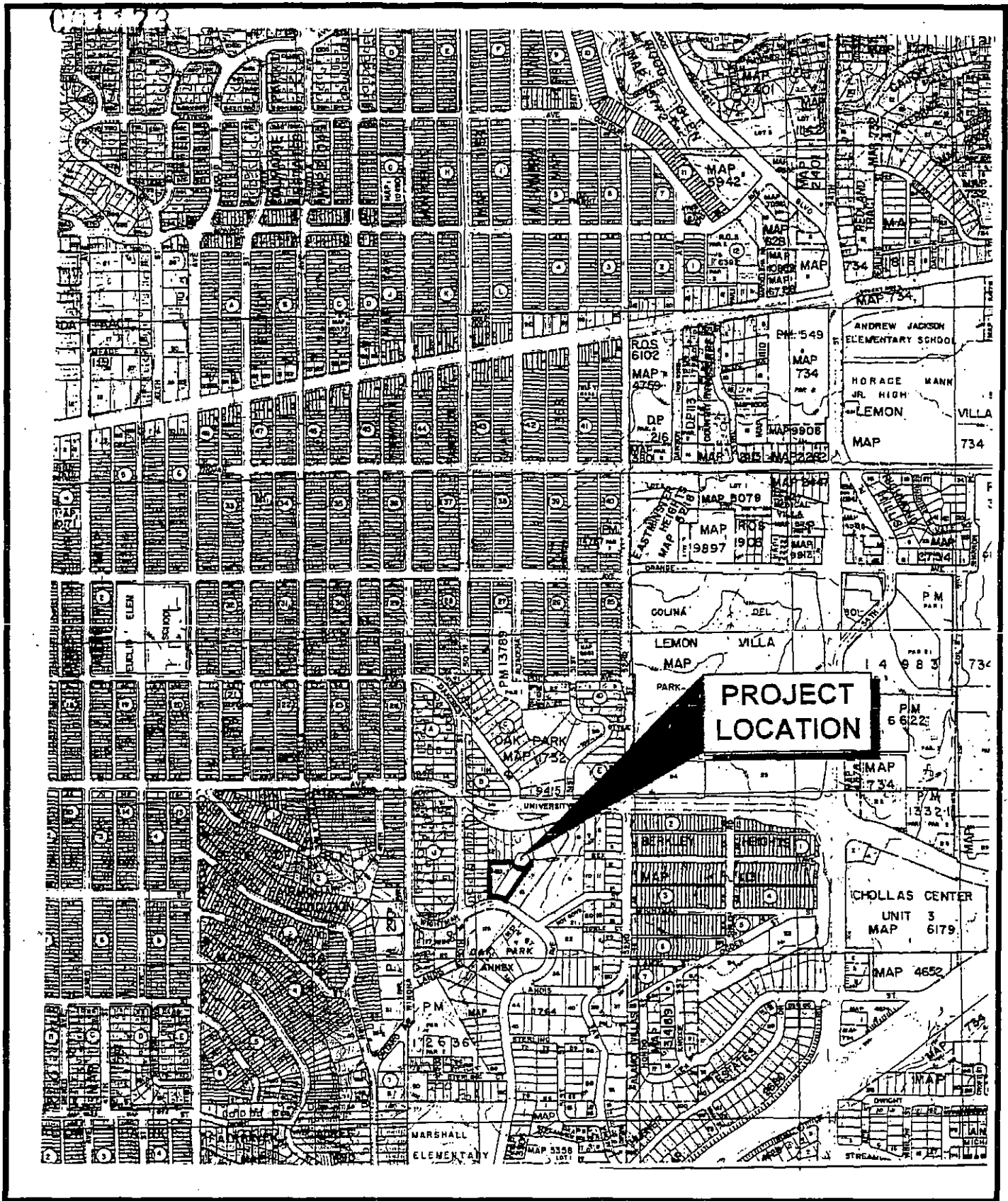
V. RECOMMENDATION:

On the basis of this initial evaluation:

- ☐ The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: Herrmann

Attachments: Location Map (Figure 1)
General Development Plan (Figure 2)
Auburn Creek Enhancement Plan (Figure 3)
Cross Section (Figure 4)
Initial Study Checklist

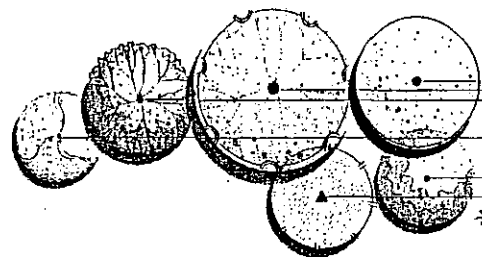


PROJECT LOCATION

WIGHTMAN STREET NEIGHBORHOOD PARK / PROJECT NO. 149112
City of San Diego – Development Services Department

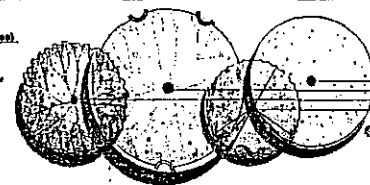
FIGURE

No. 1



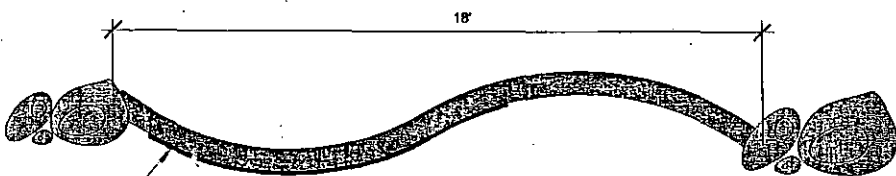
WIGHTMAN STREET PARK PLANTING (Recreation Area)

Large Trees 10' to 12' High Perennial Tree	Small Trees 6' to 8' High Perennial Tree	Shrubbery 6' to 8' High Perennial Shrub	Flowers 6' to 8' High Perennial Flower
10' to 12' High Perennial Tree	6' to 8' High Perennial Tree	6' to 8' High Perennial Shrub	6' to 8' High Perennial Flower
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10' to 12' High Perennial Tree	6' to 8' High Perennial Tree	6' to 8' High Perennial Shrub	6' to 8' High Perennial Flower



AUBURN CREEK RESTORATION PLANT LIST

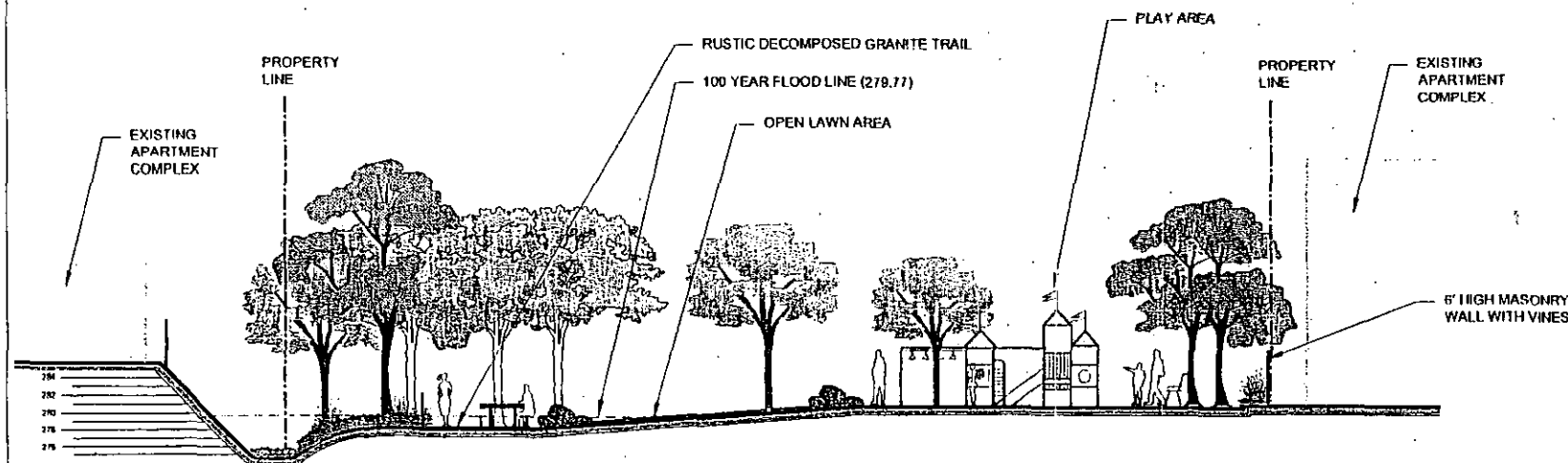
Large Trees 10' to 12' High Perennial Tree	Small Trees 6' to 8' High Perennial Tree	Shrubbery 6' to 8' High Perennial Shrub	Flowers 6' to 8' High Perennial Flower
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10' to 12' High Perennial Tree	6' to 8' High Perennial Tree	6' to 8' High Perennial Shrub	6' to 8' High Perennial Flower



SIGN FACE
PLAN VIEW
CAST COLORED CONCRETE SIGN WITH
RECESSED LETTERS
30" MAX. HEIGHT



ELEVATION
ENTRY MONUMENT



SECTION A

WIGHTMAN STREET NEIGHBORHOOD PARK

April 1, 2008

FIGURE
No. 4

Environmental Checklist Form

1. Project title: WIGHTMAN STREET NEIGHBORHOOD PARK
2. Lead agency name and address:

CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 1ST AVENUE, MS 501
SAN DIEGO, CA 92101
3. Contact person and phone number: MYRA HERRMANN, SENIOR PLANNER, 619-446-5372
4. Project location: 5024-5050 WIGHTMAN STREET, BETWEEN 50TH STREET & 52ND STREET IN THE CITY HEIGHTS NEIGHBORHOOD OF THE MID-CITY COMMUNITY PLANNING AREA
5. Project sponsor's name and address:
CITY OF SAN DIEGO, PARK AND RECREATION DEPARTMENT
202 "C" STREET, MS 35
SAN DIEGO, CA 92101
6. General plan designation: MULTI-FAMILY RESIDENTIAL
7. Zoning: RM-1-3
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.). The conceptual project plans propose development of the residentially zoned site into a neighborhood park with tot lot, passive play area, a hardcourt play area, benches, picnic area, walkways and a 20-foot landscape buffer adjacent to Auburn Branch of Chollas Creek which includes a DG trail. The project also includes enhancement to the Auburn Branch of Chollas Creek which runs along the western boundary of the project site in accordance with the Chollas Creek Enhancement Plan. Public art would be incorporated as a project feature within the park site.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Residential development surrounds the site; Auburn Creek is adjacent to the project site.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Possible permitting requirements from Army Corps of Engineers and/or California Department of Fish and Game.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.



I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.



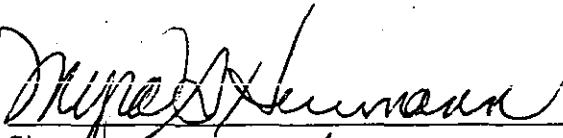
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.



I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

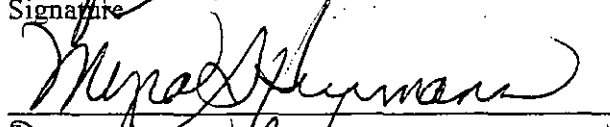


I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

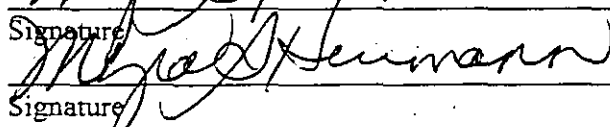
May 25, 2007

Date


Signature

May 7, 2008

Date


Signature

Updated: July 09, 2008

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant

with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards; and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>The project would create a new park in an area where a previous residentially zoned vacant parcel exists.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>No such resources have been identified within the project boundaries.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>See I.a. above. The project would improve the visual character of an existing, vacant disturbed site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Lighting for the proposed park would be directed down and shielded away from sensitive receptors.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>The project site does not support Prime Farmland, nor has it been used for agricultural purposes. See also I.a. above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>The proposed park use is supported by the community and City of San Diego City Planning Department.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? <i>No farmland on project site; no conflict. See II.a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? <i>Proposed park would not conflict with County of San Diego air quality plans or standards.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <i>See III.a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? <i>Neighborhood park use only. Six on-site off-site parking are proposed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations? <i>See III.c.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people? <i>Development of park would not result in objectionable odors.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Department of Fish and Game or U.S. Fish and Wildlife Service? *Grading for site development would result in impacts to biological resources (wetlands). A biology survey would be required to determine extent of impacts and appropriate mitigation measures to reduce impact to below a level of significance.*

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? *See IV.a. A biological survey would be required with mitigation recommendations.*

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? *Biology survey and report would identify any wetlands and incorporate measures to avoid impacts pursuant to City, State and federal regulations. The project also includes removal of exotics from the adjacent creek and enhancements consistent with the Chollas Creek Enhancement Plan.*

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? *Project site is outside the MHPA and not a wildlife corridor; however, any potential impacts associated with riparian habitat within the adjacent creek would be identified in the biology survey.*

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? *Applicant would be required to comply with the City's Environmentally Sensitive Lands Regulation by providing mitigation for any impacts resulting from project implementation. Site is not within the City's MHPA.*

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
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☐☒☐☐☐☒☐☐☐☒☐☐☐☒☐☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>Project site is not w/in the City's MHPA. See IV.e.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? <i>Project site is currently vacant. Site previously supported a multi-family residential complex which was evaluated to determine historical potential. The 1940's residential complex did not meet the criteria for local designation and were under a separate demolition action in April 2007.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? <i>The site is currently vacant, but is in an area which has a high potential for prehistoric and historic archaeological resources. Therefore archaeological monitoring during site grading would be required.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? <i>Paleontological monitoring would be required during grading for project implementation if thresholds of excavation are exceeded in high (2,1,000 cy and 10-foot cut) and/or moderate (4,2,000 cy and 10-foot cut) sensitivity formations. Update: grading threshold would not be exceeded, therefore no monitoring is required.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries? <i>High sensitivity area for archeology. Monitoring would be required during grading. Protocol in accordance with the City of San Diego, Mitigation, Monitoring and Reporting Program (MMRP) and the Public Resources Code would be implemented if human remains are discovered.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. GEOLOGY AND SOILS -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <i>The proposed project is located in Geologic Hazard Zones 12 and 53 as shown on the City's Seismic Safety Study geologic hazards maps. Zone 12 includes mapped faults that are potentially active, inactive, presumed inactive, or activity unknown. Zone 53 encompasses areas with a relatively low to moderate risk of geologic hazards. No impacts anticipated from proposed park use.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? <i>The majority of the project site is w/in Hazard Category 12 indicating a possible mapped/concealed fault. Proper design and engineering of the site would be required to ensure public health under safety pursuant to State building codes. A geotechnical Reconnaissance is not required at this time unless habitable structures would be built within the proposed park site.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? <i>Project site is adjacent to, and above the Auburn Creek flood channel. No impacts from liquefaction anticipated. See VI.a.ii</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? <i>See previous responses above.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? <i>Site is currently vacant and may require remedial grading to remove unstable soils.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>See previous responses. Geo recon may be required.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? *Site is currently vacant and may require remedial grading to facilitate site design and remove unstable soils if necessary.*

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e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? *See VI.d.*

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VII. HAZARDS AND HAZARDOUS MATERIALS ☐ Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? *Proposed project is a park use. No hazardous materials would be stored or transported to or from the site. In addition, the project will not contribute additional pollutants into the creek by eliminating the use of: specific Diazanone insecticides, fertilizers with concentrations of copper and zinc, and lead based paint. Other specific measures have been identified and incorporated into the California Regional Quality Control Board Application for Clean Water Act 401 Water Quality Certification, dated May 6, 2008.*

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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? *Potential during grading. Unsure at this time what household waste may exist from previous residential users. See VII.a. above.*

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? *Marshall Elementary School is within 1/2 mile from project site, uphill across two public roadways and behind a residential development. Low potential*

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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the

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public or the environment? *Project site has not been identified on a list pursuant to Section 65962.5.*

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? *Site not within an airport land use plan*

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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? *Site not w/in vicinity of private airstrip.*

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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? *Emergency access to the project site will be provided to fire and police from Wightman Street. No interference with adopted emergency plans.*

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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? *Vacant disturbed site. Remaining disturbed riparian vegetation w/in Auburn Creek w/b either impacted or preserved but would not increase fire risk to residential development surrounding the project site.*

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VIII. HYDROLOGY AND WATER QUALITY

-- Would the project:

a) Violate any water quality standards or waste discharge requirements? *Project is required to comply with the City of San Diego Stormwater Regulations and incorporate Best Management Practices into the final park design. The project applicant and/or contractor is responsible for ensuring that the creek is protected during construction related activities as indicated in construction documents and specifications.*

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or

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planned uses for which permits have been granted)? *Groundwater supplies would not be depleted with implementation of the project*

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? *Although existing drainage patterns would be altered through balanced grading, no water course would be altered and no substantial erosion would occur. Also See No. VIII.a. above.*

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d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? *The Auburn Creek segment of Chollas Creek runs adjacent to the project site. With proper landscape design, wetland revegetation can be used to filter stormwater run-off prior to discharge into the adjacent channel. These BMP design feature would be consistent with the City Stormwater Regulations and must be addressed at final design.*

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e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? *See VIIIa-d. Public projects are required to comply with the adopted Stormwater Regulations which are intended to reduce water quality impacts in compliance with the City's Municipal Permit.*

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f) Otherwise substantially degrade water quality? *See VIIIa-e above. In addition, the project will not contribute additional pollutants into the creek by eliminating the use of: specific Diazanone insecticides, fertilizers with concentrations of copper and zinc, and lead based paint. Other specific measures have been identified and incorporated into the California Regional Quality Control Board Application for Clean Water Act 401 Water Quality Certification, dated May 6, 2008.*

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g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other

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flood hazard delineation map? *Park site is within FEMA Zone X. Housing is not part of the proposed park project.*

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? *According to FEMA mapping, the project site is within Zone X; more information will be required to determine the exact location of the project site in relation to the floodplain or floodway; however, no habitable structures are proposed with the park project. Proper design would incorporate all necessary measures so as not to impede the flow of water during heavy rainfall.*

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i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? *See VIII.h above.*

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j) Inundation by seiche, tsunami, or mudflow? *No such threat exists within the project site.*

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IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community? *Project is located within one community planning area.*

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b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? *Although a proposed park facility could be accommodated under the existing Residential land use designation and underlying zone, a community plan amendment would be needed to redesignate the site from Residential to Park use and to analyze the loss of housing. The redesignation of the site to park use could take place as part of a future clean up amendment or update to the Mid-City Communities Plan and is not required prior to the development of the site as a park.*

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c) Conflict with any applicable habitat conservation plan or natural community conservation plan? *The project is not within the City's MHPA.*

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X. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? *The site is vacant residentially zoned land. No known mineral resources exist.*

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b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? *The site is vacant undeveloped residentially zoned land. See X.a.*

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XI. NOISE ☐ Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? *Project is a neighborhood park and would not generate excessive noise levels beyond what is allowed in accordance with the General Plan, Community Plan and the Municipal Code.*

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b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? *Refer to XI.a above.*

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c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? *Refer to XI.a above.*

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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? *Refer to XI.a above.*

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? *Project is not located within an airport land use plan for a public or private airport.*

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f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? *Refer to XI.e above.*

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XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? *Park project would not induce substantial growth in surrounding community.*

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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? *Development of neighborhood park on land zoned residential. Park proposal is supported by community. See IX.b.*

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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? *See IX.b, XII a & b.*

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XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? *Adequate services are available to support proposed park project.*

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Police protection? *Adequate services are available to support proposed park project.*

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Schools? *Marshall Elementary School is located within proximity of project site. No new schools w/b required to support this park project.*

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Parks? *Project is the creation of a neighborhood park supported by the City and residents.*

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Other public facilities? *Adequate services are available to support proposed park project.*

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XIV. RECREATION -

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? *Project is the creation of a neighborhood park supported by the City and residents.*

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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? *Construction of the park facilities and supporting infrastructure would result in significant but mitigable impacts as identified elsewhere in this checklist.*

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XV. TRANSPORTATION/TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? *Park project would not cause an increase in traffic over existing conditions with development of site for park use.*

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b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? *Existing LOS for street w/in the vicinity would not be exceeded*

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c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? *Existing traffic patterns would not be impacted to accommodate proposed project.*

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d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? *Project does not propose any such traffic features.*

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e) Result in inadequate emergency access? *The project incorporates measures to allow adequate fire and police emergency access to the site which would be taken from Wightman Street.*

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f) Result in inadequate parking capacity?

Adequate parking for the new park would be on existing street surrounding the site. *Six ~~on-site~~ off-site parking spaces are proposed.*

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g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? *Access to the park is available from Wightman Street.*

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XVI. UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? *Project is required to comply with the City's Stormwater Regulations.*

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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? *The project site would be served by the existing City sewer system.*

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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? *See XVI.a and b above.*

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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? *Water service would be provided to the park from existing services.*

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e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? *See XVI.b.*

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f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? *Disposal of construction related materials, as applicable would be directed to the appropriate City landfill after consultation with Environmental Services Department.*

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g) Comply with federal, state, and local statutes and regulations related to solid waste? *Project would be required to reduce solid waste and reclaim for on-site purposes if able, in accordance with applicable regulations.*

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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? The project has a potential to result in impacts to archaeological, biological and paleontological resources; however, all impacts can be mitigated to below a level of significance.

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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? *Based on review of the conceptual plan it doesn't appear that the proposed park project would result in cumulatively considerable impacts to archaeological, biological or paleontological resources.*

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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? *Any potential environmental effects on human beings resulting from this project could be reduced or eliminated through project redesign, mitigation measures and/or compliance with applicable local, state or federal regulations.*

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INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

☒ City of San Diego Progress Guide and General Plan.

☒ Community Plan.

☐ Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

☐ City of San Diego Progress Guide and General Plan.

☐ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

☐ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

☐ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

III. Air - N/A

☐ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

☐ Regional Air Quality Strategies (RAQS) - APCD.

☐ Site Specific Report:

IV. Biology

☒ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

☐ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

☒ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

- ☒ Community Plan - Resource Element.
- ☐ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- ☐ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- ☒ City of San Diego Land Development Code Biology Guidelines.
- ☐ Site Specific Report:
- ☒ Site visit with Park & Recreation staff 2006/2007
- V. Energy - N/A**
- ☐
- VI. Geology/Soils**
- ☒ City of San Diego Seismic Safety Study.
- ☐ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- ☐ Site Specific Reports:
- VII. Historical Resources**
- ☒ City of San Diego Historical Resources Guidelines.
- ☒ City of San Diego Archaeology Library.
- ☐ Historical Resources Board List.
- ☐ Community Historical Survey:
- ☒ Site Specific Survey: Archaeological/Historical Site survey by qualified City staff 2006/2007

VIII. Human Health / Public Safety / Hazardous Materials

- ☒ San Diego County Hazardous Materials Environmental Assessment Listing (website)
- ☐ San Diego County Hazardous Materials Management Division
- ☐ FAA Determination
- ☐ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized
- ☐ Airport Comprehensive Land Use Plan.
- ☐ Site Specific Report:

IX. Hydrology/Water Quality

- ☒ Flood Insurance Rate Map (FIRM).
- ☒ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- ☐ Clean Water Act Section 303(b) list, dated May 19, 1999,
http://www.swrcb.ca.gov/tmdl/303d_lists.html.
- ☒ Preliminary Drainage Study, Nasland Engineering (October 2007)

X. Land Use

- ☐ City of San Diego Progress Guide and General Plan.
- ☒ Community Plan - Mid-City Community Plan.
- ☐ Airport Comprehensive Land Use Plan
- ☒ City of San Diego Zoning Maps
- ☐ FAA Determination

XI. Noise

- ☒ Community Plan
- ☐ San Diego International Airport - Lindbergh Field CNEL Maps.

- ___ Brown Field Airport Master Plan CNEL Maps.
- ___ Montgomery Field CNEL Maps.
- ___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
- ___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- ___ City of San Diego Progress Guide and General Plan.
- ___ Site Specific Report:

XII. Paleontological Resources

- ✓ ___ City of San Diego Paleontological Guidelines.
- ___ Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.
- ___ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.
- ✓ ___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.
- ___ Site Specific Report:

XIII. Population / Housing N/A

- ___ City of San Diego Progress Guide and General Plan.
- ✓ ___ Community Plan.
- ___ Series 8 Population Forecasts, SANDAG.
- ___ Other:

XIV. Public Services

— City of San Diego Progress Guide and General Plan.

✓ Community Plan.

XV. Recreational Resources

✓ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

✓ Department of Park and Recreation

— City of San Diego - San Diego Regional Bicycling Map

— Additional Resources

XVI. Transportation / Circulation

— City of San Diego Progress Guide and General Plan.

✓ Community Plan.

✓ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

✓ San Diego Region Weekday Traffic Volumes, SANDAG.

— Site Specific Report:

XVII. Utilities

✓ Consultation with water and wastewater reviewing staff.

XVIII. Water Conservation

— Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

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